

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION No.34490 of 2022

ORDER:

This writ petition is filed seeking the following relief:

“...to issue a Writ, order or direction more particularly one in the nature of Writ of mandamus declaring the inaction of the 2nd and 3rd Respondent Authorities in not considering the representations of the Petitioner dated 25/06/2022 and 26/06/2022 seeking to cancel the building construction approval vide application No. 041149/MED/R1/ U6/HMDA/14122020 dated 14/12/2020, issued in favor of 4th respondent on the ground of material misrepresentations made by the 4th Respondent in obtaining the building permissions i.e., by showing private property as public property i. e., 40ft wide road on the western side of the Petitioner property as illegal, arbitrary and violative of principles of natural justice and equity being violation of Article 14, 21 and 300-A of Constitution of India and consequently direct the respondent No.2 and 3 authority to conduct enquiry up on the representations made by the petitioner dated 25/06/2022 and 26/06/2022 and initiate action in accordance with law and ...”.

2. Mr. Gajula Praveen, learned counsel for the petitioner submits that the petitioner gave a representation on 25.06.2022 to the respondents stating that by showing 40feet wide road as public road in the site plan, the unofficial respondent has obtained building permission and in fact, the same belongs to the petitioner. It is submitted that in spite of the said representation, the respondent No.2 has failed to take any action.

3. Mr. V. Narsimha Goud, learned standing counsel for the respondent HMDA submits that there is no such misrepresentation by the unofficial respondent.

4. When a representation is given by the petitioner, the respondents ought to have disposed of the same.

5. Mr. N. Praveen Kumar, learned standing counsel for the respondent municipality submits that they will consider the representation of the petitioner and pass appropriate orders.

6. Hence, this writ petition is disposed of directing the respondent Nos.2 and 3 to consider the representation of the petitioner and pass appropriate orders in accordance with law within a period of (6) weeks from the date of receipt of copy of the order by giving due notice to the concerned. No order as to costs.

Miscellaneous petitions, if any pending in this writ petition shall stand closed.

LALITHA KANNEGANTI, J

2nd September, 2022
gvl