

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION No.37351 of 2022

ORDER:

This writ petition is filed with the following prayer;

“to issue a writ, order or direction, more so, a writ in the nature of mandamus by declaring the inaction of the 2nd respondent in not considering the building application but insisting production of link documents of plot No.72-A through shortfall letter dated 08-08-2022 when the property is in plot No.72-B as illegal, unlawful, contrary to law and consequently to direct the 2nd respondent herein to process the building application of the petitioner without insisting for production of link documents of plot No.72-A in Sy.No.31/1 at Madeenaguda Village”.

2. Learned counsel for the petitioner Mr. G. Vasantha Rayudu submits that the petitioner has made an application seeking building permission in respect of Plot No.72-B, which was purchased by the land owner, with whom the petitioner had entered into development agreement for construction of residential plot in the said property admeasuring 600 sq. yards in Sy.No.32/1 at Silpa Garden, Madeenaguda Village. He submits that the owner of the property has purchased the same by way of a sale deed in the year 1998 and after entering into the development agreement, the petitioner has made an application for construction of residential building i.e., stilt+ 5 upper floors vide application dated 01-08-2022 and thereafter, the present shortfall notice dated 08-08-2022 has been issued mentioning 6 shortfalls. He submits that as far as the other grounds are concerned, the petitioner is ready to meet those shortfalls, but as far as the first

shortfall is concerned i.e., link document of plot No.72-A, which is unconnected with the property of the petitioner. He submits that as the petitioner has made application in respect of plot No.72-B, the link document of plot No.72-A is not required and the said shortfall notice is without any basis and hence, the petitioner has come up before this Court.

3. Learned Standing Counsel for respondent Nos.1 and 2 Mr. Sampath Prabhakar Reddy, on instructions, submits that only 300 sq. yards of land in Plot No.72-B is regularised under LRS scheme and as such, the adjacent land also belongs to the petitioner, the respondent Corporation asked him to produce the link documents in respect of the same. He submits that on verification of the documents, they found that there are no proper documents for the land to an extent of 250 sq. mtrs for plot No.72-B and hence, the respondent Corporation has raised the shortfall for submission of link documents for remaining plot area of 250 sq. mtrs in favour of plot No.72-A in stead of plot No.72/Part and as such, there is no illegality on the part of the respondent Corporation in insisting the link documents since there is discrepancy in the extent of the plot area.

4. Learned counsel for the petitioner submits that the petitioner has given all the documents including LRS proceedings in respect of 600 sq. yards.

5. The petitioner has made application for construction of building in respect of plot No.72-B. If the documents that are filed before the respondent Corporation in respect of plot No.72-B are not proper and if there is any shortfall in respect of the said plot, the respondent Corporation can straightaway reject the case of the petitioner on that ground and they cannot seek a link document in respect of plot No.72-A. It is also submitted that the petitioner has given all the documents including LRS proceedings in respect of the land admeasuring 600 sq. yards. Hence, the Writ Petition is disposed of directing the petitioner to comply with the shortfalls from Sl.Nos.2 to 6 and as far as shortfall No.1 is concerned, the respondent Corporation shall not insist the petitioner for production of link documents of plot No.72-A and they can take appropriate decision basing on the documents in respect of plot No.72-B. No order as to costs.

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

28th September, 2022
sj

LALITHA KANNEGANTI, J