

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION No. 39587 OF 2022

ORDER:

This Writ Petition is filed seeking the following relief:

“ to issue a writ of mandamus or any other appropriate writ, order or direction more particularly one in the nature of a writ of mandamus to declare the illegal action of the respondents herein, particularly 7th and 8th respondents, illegally rejected the petitioner building permission application dated 03.10.2022 in respect of petitioner plot, admeasuring of 302 ½ sq. yards, situated in Block No.7, in Sy.No. 475/A1/4/3 at Mattampally Revenue Limits including Grampanchayat & Mandal, Suryapet District, TS and issued impugned letter vide Lr.No. 17/GPM/2022 dated 07.10.2022 by the 7th respondent, despite petitioner herein filed all the documents & paid necessary building permission fees, and intentionally & with ulterior motive rejected the petitioner building permission application, dated 03.10.2022 on filthy grounds, though said alleged grounds / issues are nothing to do with the petitioner building permission, still rejected the petitioner building permission application, dtd. 03.10.2022 by the 7th unofficial respondent, and same as been illegal, arbitrary, unjust and its nothing but misuse of their official powers and also violation of Articles 19, 21 & 300-A of Constitution of India and its contrary to the T.S. Panchayat Raj Act, 2018 & its Rules, and consequently set-aside the impugned letter vide Lr.No. 17/GPM/2022, dated 07.10.2022 which was illegally issued by the 7th respondent and further direct the respondents herein, particularly 3rd respondent to 7th respondents, forthwith consider the petitioner building permission application dated 03.10.2022 and issue the necessary building permission by receiving the appropriate fees / challans, in respect of petitioner plot, admeasuring 302 ½ sq. yards, situated in Block No.7, in Sy.No. 475/A1/4/3 at Mattampally

Revenue Limits including Grampanchayat & Mandal, Suryapet District, TS and also further direct to the respondents herein particularly 1st respondent to 4th respondents, forthwith enquiry into the matter and to take the appropriate action against the 8th unofficial respondent, who was misused his official powers by colluding with the 9th and 10th unofficial respondents for sake of illegal gratification by considering the petitioner complaint, dated 04.10.2022 against the 8th unofficial respondent and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case."

2. Sri Pale Nageswar Rao, learned counsel for the petitioner submits that petitioner has purchased the plot in Block No. 7 in Survey No. 475/A1/4/3 admeasuring an extent of 302 ½ square yards situated at Mattampally Revenue limits, Suryapet District. He submits that after purchasing the said property, the petitioner has made an Application for building permission on 29.09.2022. He further submits that the said Application was rejected by the respondents by the order impugned dated 07.10.2022. He submits that the Application for building permission was rejected on two grounds: 1) O.S.No. 16 of 2021 is pending wherein injunction was granted by the Junior Civil Judge, Hujurnagar and 2) there is crime No. 179 of 2021 registered on 04.10.2021. Learned counsel submits that the schedule in the said suit and the property for which petitioner has made an Application seeking building permission

are two different properties and the said suit has nothing to do with the petitioner's application. Further, he submits that just because Crime No. 179 of 2021 is pending, that itself cannot be a reason for the respondents to reject the Application of the petitioner.

3. Sri P. Kishore Rao, learned Standing Counsel for the respondent gram panchayat submits that he will come up with a detailed counter-affidavit.

4. By order impugned, the building permission Application was rejected on the ground of pendency of O.S.No. 16 of 2021 and FIR No. 179 of 2021. The petitioner has placed before this Court a sale deed as well as the plaint in the suit filed before the Court below wherein the suit schedule property and the petitioner's property in respect of which he has filed building application on the face of it, appears to be two different properties. Apart from that, if a crime is pending, that itself cannot be a ground for the respondents to refuse the building permission.

5. Hence, the Writ Petition is allowed and the order dated 07.10.2022 is set aside. The petitioner is directed to submit a detailed explanation treating this as a show cause notice and the respondents shall pass appropriate orders on the

said representation / explanation in accordance with law within four weeks from the date of receipt of a copy of this order, duly putting the unofficial respondents on notice. As this Court is directing the official respondents to issue notice to the unofficial respondents, this Court is not proposing to issue notice to the unofficial respondents. There shall be no order as to costs.

6. The miscellaneous Applications, if any shall stand closed.

27th October 2022

LALITHA KANNEGANTI, J

ksld

