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**(2022) 01 TEL CK 0049**  
**In the Telangana High Court**  
**Case No : Writ Petition No. 1890 Of 2022**

Joginapally Shilpa

APPELLANT

Vs

State Of Telangana

RESPONDENT

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**Date of Decision :** 25-01-2022

**Acts Referred:**

Constitution Of India, 1950 — Article 14, 19, 21, 226  
Telangana State Building Permission Approval and Self-Certification (TS-bPASS) Act,  
2020 — Section 7, 7(8)

**Citation :** (2022) 01 TEL CK 0049

**Hon'ble Judges :** P. Madhavi Devi, J

**Bench :** Single Bench

**Advocate :** K Venumadhav

**Final Decision :** Disposed Of

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## Judgement

1. This Writ Petition has been filed under Article 226 of the Constitution of India seeking Writ of Mandamus declaring the action of respondent No.2

in passing the revocation of permission orders in Letter No.109146/METP/0414/2021 dt.09.12.2021 for construction of residential house ground floor

in a plot of land of the petitioner admeasuring 231.86 sq. yds., equal to 193.86 sq. mtrs., in Sy.No.1210/E situated at Metpally proper and Mandal of

Jagtial District, as illegal, arbitrary and violative of Articles 14, 19 and 21 of the Constitution of India and also violative of the provisions of the

Telangana Municipalities Act, 2019.

2. Brief facts leading to the filing of this Writ Petition are that the petitioner had made an application for construction of residential house in her plot of

land admeasuring 231.86 sq. yds., equal to 193.86 sq. mtrs., in Sy.No.1210/E situated at Metpally proper and Mandal of Jagtial District. Respondent

No.2, after being satisfied about the prima facie title over her plot of land, was pleased to grant permission in her favour through permission

No.109146/METP/0414/2021 dt.03.12.2021 after collecting the required permission charges from her, i.e., an amount of Rs.84,958/-. Thereafter, vide

proceedings No.109146/METP/0414/2021 dt.09.12.2021, the permission granted to the petitioner was revoked without any notice to the petitioner. In

the order dt.09.12.2021, the remarks for rejection of the application are mentioned as follows:

The proposals are not in accordance to the Telangana Building Rules issued vide G.O.Ms.No.168, dt.07.04.2012 and its amendments.

It is the case of the petitioner that the petitioner was not given any opportunity to represent before revocation of the permission already granted to her.

3. Learned counsel for respondent No.2 was heard.

4. Learned Government Pleader for Municipal Administration and Urban Development submitted that the petitioner had applied through TS-bPASS as

per the Telangana State Building Permission Approval and Self Certification System (TS-bPASS) Act, 2020. The petitioner was granted instant

approval on submitting the application and after verification of the application, building permission shall be sanctioned to the petitioner within a period

of 21 days and if it is not so sanctioned, then it shall be considered as deemed approval.

5. Upon hearing the learned counsel for the petitioner, Sri K. Venumadhav, the learned Government Pleader for Municipal Administration and Urban

Development appearing for respondent No.1 and the learned Standing Counsel for respondent No.2, it is observed that Section 7 of the TS-bPASS

Act prescribes the procedure for obtaining building permissions and as per Sub-Section (8) thereof, the applicant has to submit an online application

along with requisite documents as may be prescribed and such documents upon submission shall be examined by the Single Window Committee set up

for this purpose and shortfalls or incompleteness or cases where further information or clarification is needed shall be communicated to the applicant

within 10 days from the date of applying, in such manner, as may be prescribed. Therefore, it is noticed that before revoking the permission, the

authorities are required to give a notice of shortfall or incompleteness or clarification to the applicant and after considering the explanation of the

applicant only, a final decision of sanctioning or revocation can be taken. In the present case, it is clear that the respondents have not followed the procedure as laid down under Sub-Section (8) of Section 7 of the TS-bPASS Act, 2020.

6. This Honâ??ble Court in W.P.No.20398 of 2021 and batch dt.13.12.2021 has considered this issue at length and at paras 12 and 13 has directed as under:

â??12. In view of the above, this Court is of the opinion that in order to justify the action taken by the respondent authorities in revoking the building permissions of the petitioners, they ought to have acted fairly and in strict adherence to the principles of natural justice.

However, since the learned Special Government Pleader, on instructions, submitted that the impugned revocation letters passed against the

petitioners stand withdrawn to the extent of revocation of permission to construct buildings, the said submission is placed on record. The

impugned revocation letters passed by the respondent authorities against the petitioners stand withdrawn to the extent of revocation of

permission to construct buildings, in terms of submissions made by the learned Special Government Pleader. The petitioners are directed to

submit their explanations to the objections pointed out in the impugned revocation letters to the respondent authorities within a period of

two (2) weeks from today. On such submission of explanations by the petitioners, the respondent authorities are entitled to pass appropriate

orders, in accordance with the provisions of TS-bPASS Act and the Rules made thereunder, within a period of one (1) week from the date of

receipt of such explanations. In case, if no orders are passed by the respondent authorities within the time indicated above, there shall be

deemed approval of the applications of the petitioners filed for construction of buildings. It is made clear that until passing of orders by the

respondent authorities within the time prescribed on the explanations submitted by the petitioners, the petitioners shall not proceed with any

type of constructions in their respective subject lands.

13. As regards the contention of the learned counsel for the petitioner in W.P.No.32665 of 2021 that the revocation order was passed

without recording any objections, the respondent authorities are directed to bring

the objections to the notice of the petitioner therein

within a period of one (1) week from today; and on receipt of such objections, the petitioner shall submit his explanation to the said

objections within two (2) weeks thereafter; and on submission of such explanation by the petitioner, the respondent authorities are entitled

to pass appropriate orders in accordance with the provisions of TS-bPASS Act and the rules made thereunder, within one (1) week from the

date of receipt of such explanation. In case, if no orders are passed by the respondent authorities within the time indicated above, there

shall be deemed approval of the application of the petitioner filed for construction of building. It is made clear that until passing of orders

by the respondent authorities within the time prescribed on the explanations submitted by the petitioner, the petitioner shall not proceed with

any type of constructions in his subject land.â??

7. In view of the above, the revocation order dt.09.12.2021 is set aside and the respondents are therefore directed to follow the guidelines or the

directions issued by this Court in W.P.No.20398 of 2021 and batch dt.13.12.2021 and process the application of the petitioner dt.03.12.2021 and pass

orders accordingly in accordance with law.

8. The Writ Petition is accordingly disposed of. No order as to costs.

9. Pending miscellaneous petitions, if any, in this Writ Petition shall stand closed.