

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.11793 of 2015

Dated : 09.06.2015

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Between:

The Trust Association of the Convention
Of the Baptist Churches of the Northern Circars
(CBCNC) Reg.No.12/1960 rep., by its Chairman,
Dasari Yacob, S/o.Late Moses, Aged 53 yrs,
R/o.Srinivasa Apartments, Katuru Road,
Vuyyuru, Krishna District.

.. Petitioner

And

The State of A.P., rep., by its Principal Secretary,
MA& UD Department,
Secretariat, Hyderabad & 5 others

.. Respondents

This Court made the following :

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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ORDER :

With the consent of learned Counsel for the petitioner as well as learned Standing Counsel representing 2nd respondent and learned counsel representing respondents 4 to 6, the writ petition is disposed of at the admission stage.

2. The grievance of the petitioner is that the property belongs to the petitioner, and with an illegal understanding between respondents 4 to 6, the respondents 5 and 6 obtained building permission by making false statement and by giving wrong declaration and without properly verifying the records, such permission was granted

on 01.08.2012. Having come to know that such illegal permission was granted, petitioner caused notice on 10.03.2015, calling upon the Commissioner, Greater Visakhapatnam Municipal Corporation, Visakhapatnam-2nd respondent to consider the same and to take appropriate course of action as warranted by law. However, so far no orders are passed and on the contrary, respondents 4 to 6 continued to undertake construction of the building as per the permission granted in the year 2012 causing hardship and suffering to the petitioner.

3. The said contentions are strongly denied by the learned counsel representing respondents 4 to 6 as well as learned Standing counsel representing the 2nd respondent-Corporation.

4. Be that as it may, admittedly, the grievance is raised by the petitioner by way of a notice in the name of an Advocate dated 10.03.2015 bringing to the notice of the Commissioner, the alleged illegalities committed in granting building permission dated 01.08.2012 and the matter requires re-consideration on merits of the facts placed before the Commissioner in the said notice. Since the said notice is pending consideration of the Commissioner, as learned counsels agree, the writ petition is disposed of directing the Commissioner, Greater Visakhapatnam Municipal Corporation, Visakhapatnam-2nd respondent to consider the notice dated 10.03.2015 submitted on behalf of the petitioner and pass appropriate orders as warranted by law. Since the allegations in the notice are against respondents 4 to 6 and any decision taken in pursuant to the said notice would adversely affect the interest of respondents 4 to 6, the 2nd respondent shall put the respondents 4 to 6 on notice affording an opportunity of hearing before passing appropriate orders as warranted by law. The petitioner is entitled to be heard personally. The petitioner as well as respondents 4 to 6 are entitled to place all the relevant documents in support of their claim. In view of the fact that respondents 4 to 6 are undertaking construction, the issue shall be considered and an appropriate decision shall be taken within a fixed time frame. The entire exercise shall be completed within a period of six (6) weeks from the date of receipt of a copy of this order. The parties shall co-operate for early disposal and it is open to the Commissioner to take appropriate decision as warranted by law if the parties do not cooperate or attend to the enquiry on the date fixed by him.

5. With the above observations, the Writ Petition is disposed of. There shall

be no order as to costs.

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

_____ **P.NAVEEN RAO,J**

9th June, 2015

Note : Issue c.c. in one week

B/o.

Rds