

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

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WRIT PETITION No.2377 of 2012

ORDER:

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It is the case of the petitioner that the petitioner is the owner of premises bearing No.3/72 of Rachpally Village and Mandal of Medak District. He applied for building permission before the respondent authorities on 21-03-2011 and after inspection on 10-02-2011 building permission was granted to the petitioner. In pursuance of building permission, the petitioner constructed compound wall and certain other constructions and they are almost completed. While so, the 1st respondent issued notice not to proceed with the construction activity on the ground that certain complaints were received from the local people on 27-01-2012. Aggrieved by the same, the present writ petition is filed.

Counter is filed by the 2nd respondent stating that the permission was granted for residential house, but the petitioner has constructed school and also Dargah in deviation of building plan and when the villagers have objected the same, the Grampanchayath issued notice on 27-01-2012 not to proceed with the construction. The petitioner has not produced documents relevant to the house site at the time of obtaining permission. Even as per the interim directions of this Court, the petitioner failed to produce the documents relating to the house site, but only produced receipt for Rs.100/- and Gram panchayath approved plan. The villagers submitted representation to Divisional Panchayat Officer also regarding the construction made by the petitioner and hence, sought for dismissal

of the writ petition.

When the matter came up for admission on 01-02-2012, this Court passed the following interim order:

“ In the light of the permission for construction originally granted on 21-03-2011 and in the absence of any material as of now to indicate any deviation from the permission, the petitioner shall not be interfered with by the respondents if he were proceeding with the construction as permitted on 21-03-2011, but the petitioner shall produce all the documents relating to the land and the construction including the plan before the Gram Panchyat within one week from today so as to enable examination of the same by the Gram Panchyat. In the event of the petitioner committing default, the interim direction given above shall stand vacated”.

Learned counsel for the petitioner submits that by virtue of interim orders, the construction is almost completed.

It is to be seen that the interim order already worked out and even according to the counter, the petitioner has not produced any documents. Even in the interim order, it is clarified that if the petitioner fails to produce the documents, the interim order stands vacated. No reply affidavit is filed by the petitioner to the counter affidavit.

Hence, in view of the same, it is left open to the 2nd respondent to take appropriate action against the petitioner in accordance with law.

With the above observation, the writ petition is dismissed. As a sequel thereto, miscellaneous petitions, if any, pending in this Writ Petition, shall stand closed.

A.RAJASHEKER REDDY,J

22-09-2015

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HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITON No.17618 of 2014

Date: 02.07.2014

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