

THE HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 24396 OF 2015

ORDER:

The petitioner challenges the building permission granted to the 4th respondent vide proceedings ROC. No.G2/0138/12015, WMC permission No.94, dated 05.03.2015.

02. Learned counsel for the petitioner contends that in illegal exercise of power under Sections 428, 430 of Andhra Pradesh Municipal Corporation Act (for short, 'the Act') and Andhra Pradesh Building Rules, 2012 (for short, 'Rules, 2012'), the 3rd respondent – the Commissioner, Municipal Corporation, Warangal, granted permission and illegally obtained by the 4th respondent.

03. If any person is aggrieved by granting of building permission, he can file an application to the Commissioner, for consideration and for review of the decision of granting building permission under Section 450 of the Act read with Rule 11 of Rules, 2012. So far no such application is filed by the petitioner. Petitioner only made representation to the District Collector, Warangal.

04. In matters concerning the properties which are falling within the jurisdiction of Municipal Corporation, the District Collector has no power to entertain the grievance and to revoke the building permission granted by the Municipal Corporation.

05. Since building permission was already granted, if the petitioner has any grievance regarding granting of the building permission, he can file application before the Commissioner, bringing to his notice the illegalities committed in obtaining building permission, calling upon him to exercise the power under Section 450 of the Act read with Rule 11 of the Rules, 2012.

06. The writ petition is disposed of with a liberty to petitioner, if so advised to make an application to the Commissioner. The commissioner shall consider the same strictly in accordance with the provisions contained under Section 450 of the Act read with Rule 11 of Rules 2012, after causing notice to the 4th respondent and after affording due opportunity to the petitioner as well as the 4th respondent. The decision to that extent shall be taken within three weeks from the date of such application of the petitioner.

07. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this petition shall stand closed.

P. NAVEEN RAO, J

22.09.2015

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