

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.40057 of 2015

Date:10.12.2015

Between:

Borogalla Mallaiah,
S/o Yellaiah

..... Petitioner

And:

The State of Telangana, repled., by its
Principal Secretary, Municipal Admn.
& Urban Development Department, Hyderabad
and another.

.....Respondents

Counsel for the Petitioner: Mr. K.Buchi Babu

Counsel for Respondent No.1: AGP for Municipal Admn.
(AP)

The Court made the following:

ORDER:

This Writ Petition is filed for a *Mandamus* to declare the action of respondent No.2 in interfering with the petitioner's construction of the building under permit, vide Roc.No.480/MC/ 2015, B.A.No.41, dated 05.9.2015, in premises bearing House Nos.20-518, 20-578/1 and 20-578/2 of Gandhi Nagar Road, Huzurabad Nagara Panchayat and Mandal, Karimnagar District, as illegal and arbitrary.

At the hearing, Mr. N.Praveen Kumar, learned

Standing Counsel appearing for respondent No.2, on instructions, submitted that on the complaints given by the petitioner's neighbours, the officials of respondent No.2 have inspected the construction site and that no interference with the petitioner's construction activity has been caused by them. He is, however, unable to state as to whether the petitioner has been raising the constructions in the above-mentioned site in deviation of the sanctioned plan.

In my opinion, so long as the construction being undertaken by the petitioner is in accordance with the sanctioned plan, respondent No.2 cannot interfere with such construction activity. While there can be no objection for the periodical inspection of the petitioner's site by the officials of respondent No.2, such inspection shall not result in obstruction of and interference with the construction activity of the petitioner unless he is found constructing the building in deviation of the sanctioned plan. In such event, respondent No.2 shall issue a notice to the petitioner under the provisions of the Andhra Pradesh Municipalities Act, 1965 and take appropriate action. Conversely, if the construction undertaken by the petitioner is in accordance with the sanctioned plan, respondent No.2 shall not interfere with such construction.

Subject to the above directions, the Writ Petition is disposed of.

As a sequel to disposal of the Writ Petition, W.P.M.P.No.51712 of 2015 shall stand disposed of as infructuous.

*JUSTICE C.V.NAGARJUNA
REDDY*

*10th December, 2015
DR*