

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.12393 OF 2015

ORDER:

This petition is filed for a writ of *Mandamus* declaring the order passed by the 2nd respondent vide proceedings No.B.P.S.No.0164/Zone-III/Ward No.19, dated 17.04.2014, approving the regularisation of the unauthorised structures and issuing penalisation orders in respect of 5th and 6th floors of the building bearing D.No.10-51-6/3/6 of Kailash Metta at Waltair Ward (Zone-III) of Greater Visakhapatnam Municipal Corporation, as arbitrary, illegal, unconstitutional, contrary to the provisions of the Municipal Corporation Act and the guidelines framed in G.O.Ms.No.901, dated 31.12.2007, without considering the objections being violative of Article 14 of the Constitution of India and consequently to set aside the same.

The petitioner is a welfare association of Umamaheswari Gardens & Sunitha Enclave. Initially, the 2nd respondent-Greater Visakhapatnam Municipal Corporation, granted permission for basement plus space for parking plus ground and four floors; later the 5th floor was given to the 4th respondent, who has constructed upto slab level, admeasuring 2,600 Sq.yards and the 4th respondent has made B.P.S. application for regularization of entire 5th and 6th floors. As the 4th respondent was proceeding with construction of entire 6th floor contrary to the sanctioned plan, by raising pillars, the petitioner made a complaint to the 3rd respondent. Pursuant to the said complaint, the 3rd respondent demolished unauthorized constructions partly. Again, the 4th respondent is making constructions in 6th floor under the guise of interim orders dated 10.04.2015 passed in I.A.No.203 of 2015 in O.S.No.177 of 2015 on the file of

I Additional Junior Civil Judge, Visakhapatnam, which are granted in his favour. Hence, the petitioner made representations to respondents 2 and 3 but no steps have been taken. In spite of the same, regularisation orders are passed by the 2nd

respondent vide impugned proceedings dated 17.04.2014, which is contrary to law and against the sanctioned plan. Aggrieved by the same, this writ petition is filed.

Heard the learned counsel for the petitioner, the learned Government Pleader for Municipal Administration appearing for the 1st respondent and Sri S.Lakshminarayana Reddy, learned Standing Counsel appearing for respondents 2 and 3.

Learned Standing Counsel for respondents 2 and 3 submits that when constructions were made on 6th floor in violation of B.P.S. approved plan, the same were demolished and the respondent-Authorities will take action, if any further illegal constructions are made by the 4th respondent.

Placing on record the said submissions made by the learned Standing Counsel, this Writ Petition is disposed of. No order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

29.04.2015

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