

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH**

WRIT PETITION NO.24477 of 2015

Between :

Viswakarma Foundation,
Rep., by its Managing Director,
V. Ravi Kanth, S/o.Ramachandraiah,
Office at 2nd floor, 56, Kirlampurdi Layout,
Visakhapatnam & another.

.. Petitioners

and

The State of Andhr Pradesh, .
Rep., by its Principal Secretary,
Department of Municipal Administration,
Secretariat Buildings, Hyderabad & another

.. Respondents

DATE OF JUDGMENT PRONOUNCED : 06.08.2015

-
SUBMITTED FOR APPROVAL:

-

-

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

-

-

-

1. Whether Reporters of Local Newspapers : Yes / No
may be allowed to see the Judgments ?

2. Whether the copies of judgment may be : Yes / No
marked to Law Reporters/Journals

3. Whether Their Lordship wish to : Yes / No
see the fair copy of the Judgment ?

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

-
-
WRIT PETITION No.24477 of 2015

-
ORDER :

The building permission was granted to the petitioners on 31.12.2010 for construction of parking + ground + 4 upper floors in Sy.No.296/11, 12, 13, 15, 16 & 17 at Kanithi Village, Ward No.52, Visakhapatnam. Since the permission granted earlier expired, the petitioners applied for revalidation of the said permission. The petitioners earlier filed W.P.No.6511 of 2015 alleging that the respondents were trying to demolish the construction made. The writ petition was disposed of by order dated 27.03.2015, permitting the petitioners to make fresh application and as and when such application is made, the authorities were directed to consider and pass appropriate orders, and pending consideration an order of status quo was granted. While so, by endorsement dated 28.05.2015 impugned in this writ petition, the application of the petitioners was returned by assigning two reasons. The first one is about the rival claims which would indicate that there was misrepresentation by the petitioners at the time of obtaining building permission. The second objection was that the Court case is pending, where an order of status quo is granted.

2. Learned counsel for the petitioners contend that the petitioners were not put on notice regarding the alleged rival claims and not aware of the nature of claims made and the material based on which such claims were made. The rejection could not have been made on the basis of such vague claim without substantiating the nature of claims and giving opportunity. Learned counsel further contends that no court case is pending to his knowledge and the case filed by him as stated above, was already disposed of.

3. Learned standing counsel, on instructions, fairly submits that though serious rival claims were received alleging illegalities committed by the petitioners, no notice was issued to the petitioners, before passing

the impugned order. He also submits that there was no court case pending and it was erroneous on the part of the authority to refer to the court case, as if, an order of status quo is subsisting. Whereas the order of status quo is relating to demolition aspect and does not come in the way of consideration of the application of the petitioners.

4. Having regard to the said submission, the endorsement impugned in the writ petition is set aside, granting liberty to the respondent-Corporation, to cause notice on the petitioners, enclosing the copy of rival claims made and afford due opportunity to the petitioners to rebut the said claims. The petitioners shall submit their explanation and on receipt of such explanation with supporting documents, the respondent-Corporation shall consider the same objectively and take a decision regarding the application for revalidation of building permission granted earlier. Till such exercise is completed, the parties shall maintain status quo obtaining as on today.

5. With the above observations, the Writ Petition is allowed. There shall be no order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

06th August, 2015.
Rds

P.NAVEEN RAO,J