

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.25260 of 2015

Dated : 25.08.2015

Between:

Gandreddi Satyanarayana

.. Petitioner

And

The State of Andhra Pradesh,
R/by its Principal Secretary,
Municipal Administration &
Urban Development Department,
Andhra Pradesh Secretariat, Hyderabad
and two others.

.. Respondents

Counsel for the Petitioner : Sri Sivaraju Srinivas

Counsel for the Respondent No.1 : G.P. for Municipality

Standing Counsel for Respondents 2 to 3 : Sri N.Venkateswarlu

This Court made the following :

HON'BLE SRI JUSTICE P.NAVEEN RAO

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ORDER :

The petitioner claims to be the owner of different existents of land totaling to 313.30 sq. yards situated in D.No.4-2-37, 15th Ward, 4th locality, S.S.P. Agraharam, Bapatla Division No.963/4.

2. Petitioner states that he applied for building permission for construction of a building with Stilt + Ground + 2 Floors and

permission was granted on 08.05.2014 vide permit No.42/14/G1 and accordingly building was constructed.

3. Alleging that 2nd respondent-Municipality is illegally interfering with the construction taken up by the petitioner and illegally demolished the structures made on the terrace, which was intended for the purpose of construction of water tank, this writ petition is filed.

4. The learned Standing Counsel for the 2nd respondent, on instructions, submits that the petitioner had deviated from the sanctioned plan and raised pillars for construction of full-fledged floor above the 2nd floor and when this came to the notice of the respondents, the Municipality has taken steps to remove all the illegal constructions made in deviation of the sanctioned plan. He further submits that there is no error or illegality committed by the Municipality in the action taken by it. He also produced three photos which were taken at the time of action taken by the Municipality.

5. According to the building plan sanctioned to the petitioner, there was no permission to make any construction over the terrace including provision of water tank. In addition to this, petitioner also deviated the plan in construction of staircase. These two constructions are not in accordance with the building plan sanctioned to the petitioner. While that is so, it cannot be said that the action of the Municipality in removal of illegal constructions made on the terrace as illegal warranting interference of this court.

6. However, learned Standing Counsel submits that if the

petitioner submits revised application for additions or deviations anything made by him, the same will be considered positively.

7. While accepting this offer of the Standing counsel immediately, counsel for the petitioner submits that in terms of the GO.Ms.No.128 MA & UD Department, dt.22.05.2015, the petitioner made application on 27.05.2015 seeking penalization and regularization of unauthorized constructions and deviations to the sanctioned plan in accordance with the scheme and also remitted penalization charges as contemplated under Rule 5 of the 2015 Rules and the same is pending for consideration.

8. In view of the above, the respondents-Municipality is directed to consider the petitioner's application dt.27.05.2015 in terms of the G.O.Ms.No.128 dt.22.05.2015 and G.O.Ms.No.175 dt.27.07.2015 as expeditiously as possible, preferably within a period of two (02) weeks from the date of receipt of copy of this order. It is made clear that until the building regularization and penalization application is processed and final order is passed, the petitioner shall not undertake any further construction on the terrace as well as the staircase and he shall also file an affidavit to that extent. It is also made clear that till the application is processed and final order is passed by the competent authority, no coercive action shall be taken by the respondents-Municipality.

9 With the above direction, this writ petition is disposed of. There shall be no order as to costs.

10. Miscellaneous petition, if any, pending in this writ petition, shall stand closed.

P.NAVEEN RAO, J

25th August, 2015.

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