

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

W.P.No.4256 of 2011

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ORDER:

The case of the petitioner is that he is the absolute owner and possessor of plot admeasuring 148 sq.yards situated at Ramnagar street, Mahboobnagar District having purchased the same through registered sale deed and he applied for permission for construction of the house. The municipal authorities after verifying the documents granted permission vide permission No.G1/BA/7/2836/201 dated 13.04.2010. While so, when the petitioner was going ahead with the construction, as per the Municipal plan, the Municipal authorities came to the petitioner's premises and directed him to stop the construction stating that they have instructions from the higher authorities. Aggrieved by the action of the respondent authorities in interfering with the construction process of the petitioner, the present writ petition is filed.

At the time of admission, this Court granted interim order directing the respondents not to interfere with the construction being made by the petitioner so long as the same is in accordance with the plan sanctioned on 13.04.2010 by the Municipality.

Counter affidavit is filed the 2nd respondent-Municipality, admitting that the petitioner has obtained permission for construction of ground floor for residential building vide proceedings dated 13.04.2010 but he failed to inform the 2nd respondent about the date of commencement of construction and started the construction work in deviation of the sanctioned plan. It is also stated that petitioner is put to strict proof of his ownership and possession over the subject property. Basing on the complaint of the residents of Ram Nagar about illegal constructions made by the petitioner, the petitioner was asked to stop the construction and to prevent loss to the petitioner the material dumped for construction purpose was also removed. It is further stated

that the respondents could not issue notice to the petitioner as he was making constructions on war footing basis and hence sought for dismissal of the writ petition.

Heard the learned counsel for the petitioner and Sri N. Praveen Kumar, learned Standing counsel for respondent-Municipality.

It is to be seen that in the counter it is admitted that the respondent Municipality granted building permission in favour of the petitioner. But action has been initiated against the petitioner at the instance of residents of Ram Nagar, who complained that the petitioner is making constructions in Municipal land in deviation of the permission granted to him. If the petitioner is making constructions in the municipal land, the respondents can stop the same or if the petitioner is making constructions in deviation of the approved plan in his own land, then the petitioner is entitled for notice before initiating any action against him by the respondents.

Though in the counter it is stated by the 2nd respondent that petitioner is making constructions in deviation of the approved plan, no notice was issued to the petitioner.

In view of the same, it is open for the respondent Municipality to take appropriate action by issuing notice if the petitioner has made constructions in deviation of the approved plan or to stop the said construction if it is made in the Municipal land.

With the above direction, the writ petition is disposed of. No costs.

As a sequel, miscellaneous petitions pending if any, shall stand closed.

A.RAJASHEKER REDDY,J

Date: 15.09.2015

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