

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

W.P. No. 29748 OF 2011

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ORDER :

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This writ petition is filed stating that the petitioner is the owner and possessor of the land in Plot Nos.A-36 and A-36/A in Sy.No.259/2 admeasuring more than 920 sq.yards situated in Gandhipuram-2, Rajahmundry and he has constructed a building bearing No.76-1-4 after the purchase of the said land from the Rajahmundry Gandhipuram Cooperative Building Society Ltd., under registered sale deeds, by obtaining permission vide L.P.No.141/52 and the sanction plan permit B.A No.215/2010-G1, dated 03.03.2010.

The petitioner constructed commercial building in accordance with the approved plan and in conformity with the Building Zonal Regulations. The respondent issued Occupancy Certificate vide BA No.215/2010-G1, dated 14.07.2011 permitting the petitioner to occupy the building stating that building has been constructed as per the specifications. The petitioner has paid municipal tax up to date.

However, the subordinates of the respondent Corporation have visited the premises on 27.10.2011 stating that some deviations are made contrary to the approved sanctioned plan and trying to demolish the alleged deviated portions, without issuing any notice. Aggrieved by the same, present writ petition is filed.

Heard Sri Ch.Dhanamjaya, learned counsel for the petitioner as well as Sri Ancha Panduranga Rao, learned Standing Counsel for the respondent Corporation.

Though the matter was listed from 2011 onwards, no interim orders are granted.

Sri Ancha Panduranga Rao, learned Standing Counsel, on instructions, submits that after issuance of Occupancy Certificate, the petitioner sought to make further construction in deviation to the approved plan, as such, the respondent

Corporation wanted to take action.

Admittedly, in this case, Occupancy Certificate has been issued stating that building has been constructed as per the specifications and it is declared that the building confirm in all aspects to the requirements of the building regulations contained in Municipal Corporation Act and Bye-laws made there under and it is fit for Occupation. As such, the construction made by the petitioner is as per the approved plan, cannot be demolished.

However, as stated by the learned Standing Counsel for the respondent Corporation, if petitioner has made any construction in deviation to the sanctioned plan and in addition to the construction, it is always open for the respondent Corporation to take action by issuing appropriate notice as per law.

With the above direction, this writ petition is disposed of. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any pending in this writ petition, shall stand dismissed.

A.RAJASHEKER REDDY, J

19.06.2015.

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HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

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