

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

TUESDAY, THE EIGHTEENTH DAY OF AUGUST TWO
THOUSAND AND FIFTEEN

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Present

HON’BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.18820 of 2015

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Between:

Smt. Kethu Malleswari,
W/o. Malyadri Reddy,
Aged about 33 years, Occ: Housewife,
R/o. D.No.76-8/6-3, Gudivada Rama Rao Street,
Bhavanipuram, Vijayawada, Krishna District.

.. Petitioner

AND

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

.. Respondents

The Court made the following:

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HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.18820 of 2015

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ORDER:

The petitioner claims to be the owner of land to an extent of 150.6 square yards bearing Door No.76-10/3-10A and 141.59 square yards bearing Door No.76-10/3-11(1), in R.S.No.83/3, situated at Bhavanipuram, Vijayawada. The petitioner applied for building permission to construct ground plus first floor on the said two plots independently and permission was granted on 27.04.2015. The petitioner started constructing the building as a consequence to grant of permission. Alleging that the respondent Municipal authorities are interfering and stopping the construction activity, even though the petitioner is undertaking construction in accordance with the building permission granted to him, this writ petition is filed.

2. This Court directed the Commissioner, Vijayawada Municipal Corporation, Vijayawada, Krishna District (2nd respondent) to ensure that field inspection is carried out and report is filed on the nature of deviations made by the petitioner or if there were no deviations, whether the authorities were illegally exercising power to harass the petitioner when valid building permission was already granted to her.

3. In pursuant to the said directions, report is now

filed. The report discloses that the petitioner has deviated and stretched into the road. On noticing the deviations to that extent, the deviated portion of slab was removed. However, the report also points out several other deviations including not observing the setback norms. As seen from the report, it is clear that the petitioner has not adhered to the building permission plan granted to him and, therefore, the petitioner cannot grumble on interfering against illegal construction by the petitioner when the petitioner is not adhering to the building permission granted to him. Thus, no declaration as sought for by the petitioner can be granted and the petitioner cannot be permitted to undertake construction when the deviations are clearly pointed out.

4. Having regard to the same, it is open to the petitioner to submit representation to the Commissioner, Vijayawada Municipal Corporation, Vijayawada, Krishna District (2nd respondent), if advised, praying the 2nd respondent Municipal Corporation to levy penalty on the deviations noticed in the inspection report and regularize the deviations. As and when such representation is made, the 2nd respondent Corporation shall consider the same in accordance with the rules and if changes are permissible, to levy penalty on deviations noticed. The 2nd respondent Corporation may take appropriate decision levying the penalty and passing appropriate orders authorizing the petitioner to undertake further construction in accordance with the building permission already granted. Until such permission is granted, the petitioner shall not undertake any further construction. The

Commissioner shall take a decision on any such representation submitted by the petitioner within a period of two (2) weeks from the date of submission of such representation.

5. With the above observations, the Writ Petition is disposed of. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

P.NAVEEN RAO, J

Date: 18th August, 2015

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HON’BLE SRI JUSTICE P.NAVEEN RAO

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Date: 18th August, 2015

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