

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

Writ Petition No.36296 of 2012

Date: 03-08-2015

Between:

Ahmedi Begum

.. Petitioner

AND

The Mahaboobnagar Municipality,
Represented by its Commissioner and another

.. Respondents

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

Writ Petition No.36296 of 2012

ORDER:

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This writ petition is filed for a mandamus declaring the action of the 1st respondent in interfering with petitioner's house construction in the plot admeasuring 236.66 square yards in H.No.1-2-4, Ward No.1 Block No.2, situated at Boyapalle Gate area, Mahaboobnagar as illegal, arbitrary and contrary to the sanctioned plan vide permit No.45/2012, dated 29-06-2012 and for a consequential direction not to interfere with the construction of the petitioner.

2. The case of the petitioner is that she was owner and absolute possessor of the house plot admeasuring 236.66 square yards in H.No.1-2-4, Ward No.1 Block No.2, situated at Boyapalle Gate area, Mahaboobnagar having acquired the same from her husband and she applied for permission to construct residential house in the said plot and permission was granted vide permit No.45/2012, dated 29-06-2012 and when the petitioner making

construction as per the plan, the officials of the 1st respondent and his men came to the petitioner's premises on 19-11-2012 and on 23-12-2012 and directed her to stop the construction. No notice was issued by the respondent authorities to stop the construction. Aggrieved by the said action, the present writ petition is filed.

3. When the matter came up for hearing on 26-11-2012, this court passed an interim order directing the respondents not to interfere with the rights of the petitioner to carry on constructions strictly in accordance with the approved building plan, giving liberty to the respondent authorities to take appropriate steps for prevention of any such constructions in case the petitioner made constructions contrary to the approved building plan.

4. The 1st respondent filed its counter denying the allegations of the petitioner and contending that the petitioner has applied for permission for construction of commercial building consisting of ground and first floor in an extent of 88.8 square yards by duly surrendering road affected area of 20.28 square meters out of total plot area of 97.54 square meters, as such, the respondent Corporation has granted permission only in an extent of 74.01 square meters for construction of ground and first floor commercial building vide permit No.45/2012 in File No.G1/BA/6418/ 2012, dated 29-06-2012 in premises No.1-2-4, Ward No.1, Block No.2, Boyapalli Gate, Mahaboobnagar. It is stated that when one Mohd. Farheem Ahmed filed a complaint stating that the husband of the petitioner is making construction by encroaching into his property in H.No.1-2-4, the respondent Corporation inspected the site and found that the petitioner is constructing in deviation of sanctioned plan and that the respondent corporation directed the petitioner to stop further construction and issued a notice No.G1/UCR/2013, dated 16-01-

2013 directing the petitioner to stop construction and the action of the respondent corporation is strictly in accordance with law.

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

6. Having regard to the facts and circumstances of the case, since the provisional order (Notice) issued under Sections 217, 228 (1) & (2) of the Andhra Pradesh Municipalities Act, 1965 by the respondent Municipality, it is for the petitioner to submit her explanation to the said notice within a period of four (4) weeks from today and on receipt of such explanation, it is for the respondent-Municipality to consider and pass appropriate orders thereon and take appropriate action in accordance with law. Till such decision is taken or action is initiated, status quo obtaining as on today shall be maintained. If petitioner does not submit her explanation to the said notice as ordered, it is open for the respondent-Municipality to take appropriate action in accordance with law.

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

A. RAJASHEKER REDDY, J

Date: 03-08-2015

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