

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.16152 of 2015

Dated : 10.06.2015

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Between:

Mr. K. Rama Krishna Rao S/o.Late Adinarayana,
Aged about 62 yrs, Occu : Business,
R/o.Flat No.201, 2nd Floor,
Sunitha Enclave, D.No.10-51-6/3/6,
Kailash Metta, Waltair Ward,
Visakhapatnam.

.. Petitioner

And

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

.. Respondents

This Court made the following :

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ORDER :

The Sunitha Enclave bearing D.No.10-51-6/3/6, Kailash Metta, Waltair Ward, Visakhapatnam is a residential apartment building. Initially Ground+4 floors was sanctioned for construction. Whereas 5th & 6th floors were also constructed. However, subsequently, the illegal constructions made on the 5th & 6th floors were regularized under the Building Penalization Scheme. The petitioner was in occupation of 5th & 6th floors. Unfortunately, due to Hudhud cyclone the 5th & 6th floors were severely damaged particularly in the 6th floor, earlier ACC sheet shed constructed was totally wiped out due to pressure of winds as well as water. The

petitioner submitted a representation for undertaking repairs and reconstruction of 5th & 6th floors, to lay RCC slab instead of ACC sheets. Alleging that no such permission is granted and illegally the authorities have removed whatever construction undertaken, this Writ Petition is instituted.

2. Since the application of the petitioner is pending consideration with the 2nd respondent-Greater Visakhapatnam Municipal Corporation, with the consent of learned counsels appearing for the parties, this Writ Petition is disposed of directing the 2nd respondent to consider the building permission application stated to have been submitted by the petitioner on 20.04.2015 and pass appropriate orders as warranted by law, taking into consideration the original application submitted at the time of regularization of illegal constructions made, within a period of four (4) weeks from the date of receipt of a copy of this order. Pending consideration of the application and passing of orders, the petitioner shall not undertake any construction and shall await the orders from the 2nd respondent.

3. 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**

10th June, 2015

Rds

