

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.5327 OF 2015

ORDER:

This petition is filed for a writ of *Mandamus* declaring the action of the 2nd respondent in interfering with the construction work being carried out by the petitioner in plot admeasuring 20 cents, situated in D.No.8-287, Court Road, Ananthapur, as otherwise than in due process of law as illegal and arbitrary and for a consequential direction to the 2nd respondent not to interfere with the construction work being carried out by the petitioner.

The case of the petitioner-firm is that it is the owner and possessor of Plot admeasuring 20 cents, situated in D.No.8-287, Court Road, Ananthapur and also obtained permission for construction of a commercial complex from the 2nd respondent by paying requisite fee. As per the said sanction, the petitioner took up construction work without any deviations. While so, the respondents without issuing any notice, at the instance of third parties who lost the litigation against the petitioner, are trying to demolish and interfere with the petitioner's property. Aggrieved by the same, present writ petition is filed.

Heard learned counsel for the petitioner.

Sri S.D.Goud, learned Standing Counsel for the 2nd respondent Corporation states that if the petitioner has made construction according to approved plan, the respondent authorities will not interfere with the construction activities of the petitioner. He also submits that if any deviations are found, the respondent authorities will take action.

Though, this Court granted interim direction on 03.03.2015, the respondents have not chosen to file counter affidavit.

Since specific assertion is made by the petitioner that construction has been made as per the approved plan, the respondents cannot interfere with the

construction activities of the petitioner as long as the petitioner make construction in consonance with the approved plan. As such, the respondent authorities are directed not to interfere with the construction activities of the petitioner. However, if any deviations are found in the construction made by the petitioner, it is open for the respondent Corporation to take action as per law.

Accordingly, the writ petition is disposed of. No order as to costs.

As a sequel thereto, miscellaneous petitions if any pending in the writ petition shall stand closed.

A.RAJASHEKER REDDY, J

17.04.2015

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