

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.32127 of 2015

DATED : 01.10.2015

Between :

P. Ganga Raju S/o.Late Bapu Naidu,
Aged about 63 yrs, R/o.D.No.51-8-43/153,
Priyadarshini Colony, Balayesu Church,
Sethammadhara, Visakhapatnam District & others

.. Petitioners

and

The Commissioner, Greater Visakhapatnam
Municipal Corporation & another.

.. Respondents

This court made the following :

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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ORDER :

Alleging that the respondent-Municipal Corporation is interfering with the construction undertaken by the petitioners, within the building which construction is only in addition to the existing building and that all such constructions were made in

the entire locality, this writ petition is filed.

2. As seen from the averments made in the affidavit filed in support of the writ petition and the material papers enclosed and the photographs filed by the petitioner, it appears that additional construction is now being made by the petitioners. This construction is not part of the building permission stated to have been granted in favour of the petitioners and no construction can be made without obtaining proper permission from the respondent-Corporation.

3. Learned Standing counsel fairly submits that though, the construction appears to be illegally made, the respondent-Corporation only sought to enquire from the building owners the nature of construction undertaken by them and whether any building permission was obtained by them. At that stage, this writ petition is filed. He further submits that the respondent-Corporation shall follow due procedure before taking any penal action against the petitioners.

4. Having regard to the said submission, the writ petition is disposed of, directing the respondent-Corporation to follow due procedure before taking any coercive action against the petitioners. It is also made clear that the petitioners shall not undertake any further construction until appropriate decision is rendered by the respondent-Corporation or any application is made seeking building permission and appropriate building permission is granted. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

_____ **P.NAVEEN RAO,J**

1st October, 2015.

Rds

