

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.7107 OF 2015

ORDER:

This petition is filed for a writ of Mandamus declaring the action of the 2nd respondent in issuing the impugned notice dated 09.03.2015 and threatening to demolish the constructions made by the petitioner in plot Nos.22 and 27 in Sy.Nos.2(p) and 3(p) of Kalvancha village, Hayathnagar Mandal, Ranga Reddy District without being bound by the construction permission granted by the then Kuntloor Gram Panchayat, as arbitrary and illegal and consequently direct the respondents not to demolish any part of the constructions of the petitioner.

Heard the learned counsel for the petitioner and the learned G.P.for Panchayat Raj, appearing for the first respondent and Sri D.Bhaskara Reddy, learned standing counsel for 2nd respondent.

It is stated that the petitioner is the absolute owner and possessor of Plot Nos.22 and 27 in Sy.Nos.2 and 3 of Kalvancha village, Hayathnagar Mandal, Ranga Reddy District having purchased the same under registered sale deed bearing document No.3838 of 1998 dated 06.07.1998 and thereafter he had applied for construction permission to the Kuntloor Gram Panchayat for construction of ground plus two floors and obtained permission on 28.11.2012 and started construction in accordance with the said construction permission and the frame of the building was completed by October 2014 except some internal repair works. It is further stated that the then Kuntloor Gram Panchayat has been upgraded to Pedda Amberpet Nagar Gram Panchayat in the year 2013. However, the construction permission earlier granted by the Gram Panchayat is binding on the respondent and that the petitioner has constructed strictly in accordance with the sanctioned plan sanctioned by the then Gram Panchayat which was the local authority extending to the petitioner's site.

It is further stated that the 2nd respondent has issued a show cause notice dated 02.03.2015 calling for the explanation as to why the construction should not be demolished on the ground that it is unauthorized. After receipt of the said notice, the petitioner had not filed any explanation but states that he has permission to construct the structures and submitted his construction permission copy and sale deed. Thereafter, the respondents have passed the impugned order dated 09.03.2015 asking the petitioner to remove or pull down the structures. Aggrieved by the same, the present writ petition is filed.

Heard Sri Vedula Venkata Ramana, learned senior counsel appearing for the petitioner and Sri D.Bhaskara Reddy, learned standing counsel for respondent-Corporation.

Learned standing counsel submits that since the permission granted by the then Gram Panchayat expired on 28.11.2012, the petitioner has to obtain fresh permission under Section 216 of A.P. Municipalities Act (for short 'the Act').

It is not in dispute that the petitioner obtained construction permission on 28.11.2012 and once the permission is obtained to make construction that part of construction made within the validity of the permission cannot be disturbed. But the petitioner can only complete the further construction after making fresh application under Section 216 of the Act and after obtaining fresh permission. Learned senior counsel appearing for the petitioner says that already petitioner has made fresh application for extension.

In view of the same, it is for the respondent Corporation to consider the application made afresh by the petitioner in accordance with law. Till completion of such an exercise, *status quo* obtaining as on today shall be maintained by both the parties. Once permission is granted petitioner can proceed with the construction.

With the above direction, the writ petition is disposed of. There shall be 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

26.03.2015

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