

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 36579 of 2016

ORDER:

This Writ Petition is filed seeking to declare the action of the respondents specially respondent Nos.2 to 5 in orally directing the petitioners to stop construction, without issuing notice either under GHMC Act, 1955 or any other act pursuant to the sanctioned plan vide proceedings BA No.10163/2016/ACP-I, dated 30.04.2016 in S.No.312/2 admeasuring 820.44 yards equivalent to 685.68 metres as illegal and arbitrary and consequently to direct the respondents not to interfere with the construction activity of the said building.

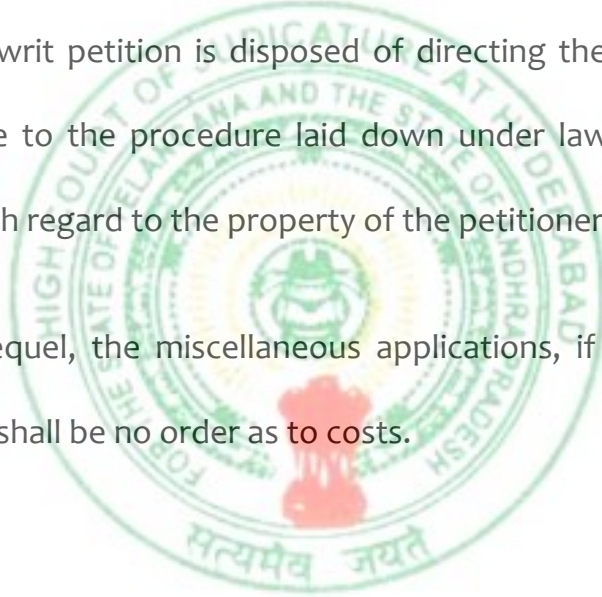
2. The case of the petitioners is that they are the absolute owners and possessors of the land admeasuring 820.44 square yards or 685.68 square metres in Survey No.312/2 of Madhurawada of Visakhapatnam. Petitioner Nos.1 and 2 and mother of petitioner No.3 purchased the plots under registered sale deeds dated 30.07.1984. Later, mother of the third petitioner gifted the plot in favour of petitioner No.3 by way of registered gift settlement dated 05.02.2014. Thereafter, petitioners made an application dated 08.01.2016 to the second respondent for sanction of building permission. The Commissioner of the second respondent by proceedings dated 30.04.2016 sanctioned permission for construction of multi-storeyed building, stilt, ground and three floors. Basing on the said proceedings, petitioners entered into a registered development agreement-cum-GPA with the fourth petitioner on 30.03.2016 for construction of the building. While so, in the month of

June, 2016, the third respondent along with his staff came to the construction site and directed me to stop the construction activity without issuing any notice. Questioning the said action, petitioners approached this court by this writ petition.

3. Sri S.Lakshmi Narayana Reddy, learned Standing Counsel for the Corporation fairly submits that the respondent will follow due process of law if any action is warranted.

4. Recording the submission made by the learned Standing Counsel, this writ petition is disposed of directing the respondents to strictly adhere to the procedure laid down under law if any action is warranted with regard to the property of the petitioners.

As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.



JUSTICE CHALLA KODANDA RAM

October 27, 2016
LMV