

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No.16397 of 2006

ORDER:

The petitioner states that she purchased an extent of 40 sq. yards of undivided and specified land, in plot No.11, Dutch House Layout, Visakhapatnam, from the third respondent under registered sale deed dated 30.10.1998. The said plot is part of an extent of 2041 sq. yards. The entire extent was purchased by Sri A.V.D. Suresh from the third respondent and, on his request, the third respondent registered small extent in favour of petitioner. Individual purchasers entered into agreement with the fourth respondent for construction of flats and development agreement was registered. The fourth respondent obtained permission in different phases for construction of six floors + part of 7th floor. When the petitioner, who is a member of Swagruha Topaz Flat Owners Association, noticed that construction made by the fourth respondent was in total deviation of sanctioned plan, submitted a representation to the second respondent. When no action was taken, the present Writ Petition was filed.

The second respondent filed a counter affidavit stating that construction was commenced and completed six years back and individual flats were occupied by the purchasers. The Flat Owners Association raised objection

with regard to the construction made in 8th floor and requested to take necessary action against unauthorized construction. On receiving the complaint, the respondent officials inspected the premises and observed that the builder converted the water tank area into duplex type flat in 8th floor. It was also noticed that the entire apartment was in deviation and was constructed contrary to the approved plan sanctioned by the second respondent in respect of setbacks, coverage and FSI. The second respondent undertook to take appropriate action against unauthorized deviations and constructions made contrary to the approved plan in due course by following due process of law.

Learned counsel for the fourth respondent submits that flat No.802 in the said premises was regularized by the second respondent by proceedings dated 30.12.2010 and occupancy certificate was issued.

However, in view of the assurance given by the second respondent in the counter affidavit filed before this Court, this Writ Petition is disposed of directing the second respondent to inspect the premises once again and, take necessary action in accordance with law, if there are any deviations in the construction of the building contrary to the sanctioned plan, and are not regularized.

The Writ Petition is, accordingly, disposed of.

Miscellaneous applications, if any, shall also stand disposed of. No order as to costs.

A. RAMALINGESWARA RAO,J

Date:08.11.2016
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