

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.31467 of 2016

ORDER:

This writ petition under Article 226 of Constitution of India is filed seeking to declare the action of the 2nd respondent in interfering and co-operating respondents 3 & 4 in obstructing the construction of RCC roof residential apartment building consisting of stilt floor for parking, ground + 4 upper floor at bearing Door Nos.10-6-7/1 & 10-6-9, in T.S.No.1032/2B of Waltair Ward, Ramnagar, Division No.19, Visakhapatnam, which was permitted to the petitioner by the Greater Visakhapatnam Municipal Corporation, Visakhapatnam, vide BA No.14968/2015/ACP-III, dated 07.05.2016, as illegal and arbitrary and consequently direct the 2nd respondent not to interfere with the construction of the subject property.

Heard and perused the material available on record.

The case of the petitioner is that the petitioner has obtained permission for construction of RCC roof residential apartment building consisting of stilt floor for parking, ground + 4 upper floor at bearing Door Nos.10-6-7/1 & 10-6-9, in T.S.No.1032/2B of Waltair Ward, Ramnagar, Division No.19, Visakhapatnam, and building permission order was issued vide BA No.14968/2015/ACP-III, dated 07.05.2016. The main grievance of the petitioner is that respondents 3 & 4, without any right, applied to the 1st respondent, for permission of construction in the subject property, but the same was rejected. But in spite of rejection of building permission, respondents 3 & 4 approached and influenced the 2nd respondent, for which the 2nd respondent,

without any authority and jurisdiction, interfering with the civil disputes pending between the petitioner and respondents 3 & 4 and frequently calling the petitioner to the police station and threatening the petitioner not to proceed with the construction activity in the subject property.

Learned Assistant Government Pleader for Home representing the 2nd respondent informed that the 2nd respondent has nothing to do with the civil disputes pending between the petitioner and respondents 3 & 4 and that the 2nd respondent never interfered in the affairs of the petitioner.

Learned counsel for respondents 3 & 4 submitted before this Court that they obtained permission to construct a building in the subject property where the petitioner is starting construction and that respondents 3 & 4 are the owners of the said premises and that they already applied for permission for construction of the building in the subject property, which was returned by the 1st respondent on the ground that they have not paid the charges in time and also informed that respondents 3 & 4 have lodged a complaint before the local police under various provisions of Indian Penal Code.

Considering the grievance of the petitioner and rival submissions and since the 2nd respondent has taken a stand that he is not interfering in the affairs of the petitioner, more particularly the civil disputes pending between the petitioner and respondents 3 & 4, the 2nd respondent is directed not to interfere with the affairs of the petitioner and respondents 3 & 4, more particularly, with the civil disputes pending between them. The petitioner and respondents 3 & 4 are at liberty to settle their civil

disputes by way of approaching the appropriate authority or civil Court.

Accordingly, the Writ Petition is disposed of. No costs.
Pending Miscellaneous Petitions, if any, shall stand closed.

RAJA ELANGO,J

Date: 7th December, 2016

KL

