

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.42505 of 2016

Date: 09.12.2016

Between:

Gudela Sanyasi Rao S/o late Appala Swamy,
Age: 84 years, Occu:Senior Citizen,
R/o H.No.1-43-293, Rajuveedhi, 9th ward,
Tagarapuvalasa, Bheemunipatnam Municipal
Limits, Visakhapatnam District.

.....Petitioner

and

The Zonal Commissioner, Greater Visakhapatnam
Municipal Corporation, Bheemunipatnam Municipal
Limits, Visakhapatnam district and others.

.....Respondents



The Court made the following:

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ORDER:

Petitioner claims to be the owner of vacant site admeasuring 288 square yards in Sy.No.35/19 of Ramannapeta, Tagarapuvalasa, Visakhapatnam District and leased out the same to the respondents 5 to 10. Petitioner alleges that illegal construction is being made by them encroaching into the land of the petitioner. Petitioner claimed to have submitted representation on 26.11.2016 to the respondents 1 and 2 alleging encroachment and illegal construction being made by the respondents 5 to 10. Alleging that no action is taken on the complaint/representation filed by the petitioner, this writ petition is filed.

2. Learned standing counsel, on instructions, submit that building permission was granted to the respondents 5 to 10 on 14.11.2016 to construct a ground floor and first floor. Since building permission was granted to the respondents 5 to 10, it is permissible for the respondents to undertake construction as per the building plan subject of course the respondent Corporation verifying the other parameters of the building permission, more so it was only provisional approval granted on an online application submitted. Thus, if there is dispute *inter se* between the petitioner and respondents 5 to 10 with reference to the boundaries and extent of ownership of properties respectively, petitioner has to work out his remedy as available in civil law. I don't see any illegality committed by the Commissioner, respondent-Municipal Corporation warranting interference by this Court under Article

226 of the Constitution of India. Writ petition is dismissed, leaving it open to the petitioner to work out his remedy as available in law.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

JUSTICE P.NAVEEN RAO

Date: 09.12.2016
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