

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.40704 OF 2016

DATED : 24.11.2016

Between :

M.Mohammed S/o.Molla Abdul Azeez,
Aged about 38 yrs, R/o.D.No.14-109,
Nandikotkur Town and Mandal,
Kurnool District.

..

Petitioner

And

The State of Andhra Pradesh,
Rep., by its Principal Secretary,
Municipal Administration and Urban Development Department,
Secretariat, Velagapudi,
Amaravathi, Guntur District & another.

Respondents



This court made the following :

THE HON'BLE SRI JUSTICE P.NAVEEN RAO**WRIT PETITION No.40704 OF 2016****ORDER :**

Alleging that the respondent-Municipality is interfering with the construction activity in pursuant to the building permission granted to the father of the petitioner on 12.02.2014, this writ petition is filed.

2. Learned counsel for the petitioner submits that when the petitioner moved the construction material in order to commence the construction, the authorities of the respondent-Municipality have visited the premises on 24.10.2016 and directed the petitioner to stop the construction activity. He would submit that such action is illegal, when the property belongs to the father of the petitioner and already building permission was granted.

3. Learned Standing counsel points out that according to Clause 8 of the building permission granted to the father of the petitioner, his father was required to commence construction within one year from the date of grant of building permission and to complete the same within three years. Admittedly, the father of the petitioner has not commenced construction within one year and therefore the petitioner cannot undertake construction.

4. A bare perusal of Clause 8 of the building permission, it is apparent that the father of the petitioner is supposed to commence construction within one year from the date of granting of permission. Even according to the petitioner as averred in Para No.5 of the affidavit filed in support of the writ petition, the petitioner has not commenced construction. The only plea raised

is that since three years time is granted for completion of construction and since the said time has not expired, the petitioner is entitled to undertake construction. If construction has not commenced within one year, Building permission lapses.

5. Since building permission granted to the father of the petitioner has lapsed, petitioner cannot undertake construction. Thus, even assuming what is contended is true, there is no illegality in municipal authorities directing the petitioner not to undertake construction, when building permission granted to him has already lapsed. Thus, the relief as sought for in the writ petition cannot be granted and the same is liable to be dismissed.

6. Accordingly, the Writ Petition is dismissed. However, it is open to the petitioner to file appropriate application before the Municipality seeking extension of time for construction of building, in accordance with the building permission granted. As and when such application is filed it is open to the Municipality to consider the same and take appropriate decision. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

24th November, 2016
Rds

P.NAVEEN RAO,J