

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No. 16111 of 2014

Order:

This Writ Petition was filed challenging the action of the respondents 1 to 3 in not taking any action against the fourth respondent's illegal construction contrary to the building permission.

This Court, while admitting the Writ Petition on 12.06.2014, recorded the statement of the learned Standing Counsel for the Greater Hyderabad Municipal Corporation that the fourth respondent obtained two individual building permissions for construction of ground + first floor and on inspection it was noticed that unauthorized excavation work was commenced for construction of cellar floor duly merging two individual building permissions, contrary to the sanctioned plan and in violation of the provisions of the Greater Hyderabad Municipal Corporation Act, 1955 and building bye-laws. In those circumstances, the GHMC issued a notice on 21.05.2014 asking the fourth respondent to fill up the unauthorised excavated cellar and ensure safety of neighbouring structures. Accordingly, an interim direction was granted for stopping further construction.

Learned counsel for the fourth respondent submits that alleging violation of the said order, Contempt Case No.1068 of 2014 was filed by the petitioner and the same was closed on 25.11.2016 on the submission made by the fourth respondent that the cellar portion was closed pursuant to the orders of the Municipal Corporation.

The fourth respondent filed a counter affidavit stating that his wife, who is the owner of 75 sq. yards, along with two other women submitted

an application for sanction of ground + first floor and the same was sanctioned on 02.04.2013. The said permission was granted for an extent of 125 sq. yards. A separate application was filed for construction of other portion and both the premises are sought to be constructed side by side with small lane in between them. They obtained a soil testing report from a Consulting Geo Technical Engineer. As per the said report it was recommended to dig 4 meters deep pit below the road level and fill it up with compacted gravel. It was also advised to remove all loose boulders. In those circumstances only they dug the cellar portion. There are disputes between the petitioner and the fourth respondent with regard to common wall.

Today, when the matter is taken up for consideration, learned counsel for the fourth respondent undertook to make constructions only in accordance with the building permission sanctioned by the respondents 1 to 3.

In the circumstances, the Writ Petition is disposed of directing the respondents 1 to 3 to see that the fourth respondent constructs the structures in accordance with the building permission and if there is any violation it is open to them to take appropriate proceedings in accordance with law. There shall be no order as to costs.

As a sequel thereto, the miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

A. RAMALINGESWARA RAO, J

Date: 01.12.2016
Nsr