

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.36526 OF 2016

ORDER:

Petitioners allege that in the neighbouring property, respondent No.5 constructed a Kalyana Mandapam and is now undertaking construction of another Kalyana Mandapam, which is causing lot of nuisance to them, and that such construction of Kalayana Mandapam was not authorised by the Municipal Corporation.

2. Learned Standing Counsel, on instructions, submits that respondent No.5 was granted building permission for construction of ground and first floors. Thereafter, he has applied for construction of second floor also. However, the said application was rejected, which was informed to respondent No.5 vide Endorsement bearing B.A.No.14143/2015/ACP-V/G2, dated 12.11.2015. He further submits that the second floor was constructed even though no permission was granted to respondent No.5 and the Municipal Corporation is in the process of initiation of proceedings against respondent No.5 in accordance with the provisions of Greater Hyderabad Municipal Corporations Act, 1955.

3. Recording the submission of the learned Standing Counsel that the Greater Visakhapatnam Municipal Corporation will take appropriate action against respondent No.5 as warranted by law in accordance with the provisions of Greater Hyderabad Municipal Corporations Act, the Writ Petition is disposed of directing the

Greater Visakhapatnam Municipal Corporation to complete such process within a period of two months. It shall also ensure that, if construction is taken up contrary to the building permission, no further construction activity is being carried out by respondent No.5 in the subject premises. It is made clear that there is no expression of opinion on merits and the rights and defence available to respondent No.5 are preserved to be agitated in appropriate proceedings, as and when notices are issued to it by the respondent – Corporation.

4. Miscellaneous Petitions, if any, pending in this Writ Petition, shall stand closed. There shall be no order as to costs.

December 21, 2016.
MD

P. NAVEEN RAO, J

