

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.39525 OF 2016

DATED : 18.11.2016

Between :

Seerapu Vasudevi Kumari W/o.Seerapu Paradesi Reddy,
Aged 51 yrs, 36-64-5/1, Reddy Kancharapalem,
Visakhapatnam.

..

Petitioner

And

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

..

Respondents



This court made the following :

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.39525 OF 2016

ORDER :

Petitioner claims to be the owner of property bearing old D.No.21/147 which is now assigned new D.No.4-17-1/A at old Ward No.2 & 3 (New Ward No.20) Narasimha Rao Peta, Kannamamba Street, Rajahmundry. Petitioner claims to have obtained the property by way of gift settlement deed dated 15.05.2014. The petitioner started constructing ground floor. This writ petition is instituted alleging that the respondent-Municipal Corporation is trying to dispossess the petitioner and not allowing the petitioner herein to make construction in the subject property which comprises of only 36.66 Square yards.

2. When specifically pointed out by this Court, as to whether petitioner can construct building without permission, learned counsel for the petitioner sought to justify the action of the petitioner in constructing the building without permission on the ground that the extent of property was only 36.66 Square yards and no building permission is required. However when realized that even for construction of this extent, it is necessary to apply for permission to the Municipal Corporation, specifying the area and the person intend to construct and provide all the requisite details of construction. Learned counsel for the petitioner would submit that petitioner would now apply for building permission and the same may be directed to be processed.

3. As seen from the material on record, construction was taken up and it has reached to the slab level, whereas such construction was made without obtaining prior permission from the Municipal

Corporation. Even assuming that no such permission is required, intimation is required to be furnished to the Municipal Corporation with detailed plan of construction and other details of the property. Such illegal construction cannot be permitted and on the guise of interference, no protection can be granted to the petitioner and such person has to be penalized.

4. Since petitioner now offers to apply for building permission, with the consent of learned Standing counsel, and the learned counsel for the petitioner, the writ petition is disposed of as under :

(i) Subject to petitioner depositing an amount of Rs.1,50,000/- and submitting application seeking permission with proper plan and all other relevant documents, the Municipal Corporation shall consider the same and pass appropriate orders.

(ii) Till the orders are passed as directed above, petitioner shall not undertake any further construction.

(iii) It is open to the Municipal Corporation to pass appropriate orders and in case it decides to grant permission having satisfied with parameters for granting such permission, it is competent to penalize the petitioner; the amount already deposited may be adjusted towards such penalisation. It is also open to the respondent-Corporation to take action, if it notices any deviations. There shall be no order as to costs.

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

P.NAVEEN RAO,J

18th November, 2016
Rds