

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.39177 of 2016

Date: 15.11.2016

Between:

S.Veeranjaneyulu S/o S.Gopal Shetty,
R/o H.No.10-132, Kapa Street,
Gudur Nagar Panchayat, Gudur Mandal,
Kurnool District.

.....Petitioner

and

The State of Andhra Pradesh, rep.by its
Principal Secretary, Municipal Administration
and Urban Development Department,
Secretariat Buildings, Hyderabad and others.

.....Respondents



The Court made the following:

HONOURABLE SRI JUSTICE P.NAVEEN RAO

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ORDER:

Petitioner had applied for building permission for residential house in the ground floor and first floor. However, he has converted the ground floor into commercial property and put up shutters and continued to undertake construction on the first floor. At this stage, apprehending that Nagar Panchayat authorities are interfering with the construction and threatening to demolish the entire structures, this writ petition is filed.

2. Heard Sri J.U.M.V.Prasad, learned counsel for petitioner, learned Government Pleader for respondent no.1 and Sri M.D.Saleem, learned standing counsel for respondents 2 and 3 and with their consent, this writ petition is heard and disposed of finally at the admission stage.

3. Learned counsel for petitioner do not dispute the fact that the building permission granted to him was only for the residential purpose, whereas he has converted the ground floor into the commercial property. He did not apply permission prior to such conversion. Petitioner now intends to apply for conversion and seeks direction to the Nagar Panchayat not to take coercive action.

4. When once construction is made contrary to the building permission granted, no equities accrue to the petitioner to claim that the same shall not be removed and that no coercive action can be taken against him by the Nagar Panchayat.

5. However, learned standing counsel submits that the Nagar Panchayat is competent to permit conversion of residential

property into the commercial property on payment of suitable fee. If that is so, petitioner is permitted to file an application for conversion of the ground floor into the commercial property, subject of course to permissibility of such conversion in the locality in which the building exists and if there is no objection from the neighbouring house owners.

6. Subject to petitioner depositing an amount of Rs.2,00,000/- (Rupees two lakhs only) and subject to filing an application for conversion of ground floor into commercial property and subject to petitioner filing an undertaking before the respondent-Nagar Panchayat that he would not undertake any further construction nor let out the ground floor nor create third party interest till the disposal of his application, such application should be considered by the respondent-Nagar Panchayat if it is permissible in accordance with the Rules. If such application is filed by depositing amount as directed within a period of one week from the date of receipt of copy of this order, the respondent-Nagar Panchayat shall not take any coercive action till the decision is taken on the application filed by the petitioner. The Writ petition is disposed of,

Miscellaneous petitions, if any, pending in this writ petition shall stand closed. No costs.

JUSTICE P.NAVEEN RAO

Date: 15.11.2016

Note: Issue CC by tomorrow.

B/o.
kkm

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