

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.23962 of 2017

ORDER:

This writ petition is filed under Article 226 of the Constitution of India challenging the action of the 2nd respondent in interfering with the building construction work being carried out by the petitioner at T.S.No.538-1, Premises Vide D.No.25-527, Ward No.25, Parthasarathi Nagar, Dharmavaram Town and Municipality, Ananthapuram District, without considering his representation/ application dated 21.6.2017 for grant of permission to the additional Cellar Portion.

It is the case of the petitioner that after obtaining building permission, he started construction of a building in the subject premises. But as per vasthu, he dug a cellar portion and raised pillars for construction. Before commencing the work, the petitioner made application to the Dharmavaram Municipality for grant of permission or approval for the cellar portion. The then Municipal authority orally permitted the petitioner to proceed with the construction. The then commissioner also informed that the petitioner has to pay required building fee for approval of extra cellar portion constructed, while directing him to apply for the same. The petitioner made an application. While so, the present commissioner and their staff came to the subject premises and directed the petitioner to stop the construction and to remove the cellar portion. When the petitioner placed before the 2nd respondent a Photostat copy of the application made before commencement of the construction for grant of additional permission for cellar, the 2nd respondent directed him to make a fresh application. On 21.06.2017, the petitioner made application to the 2nd respondent and also to the other higher officials for according

approval. But the 2nd respondent and the other higher officials have not passed any orders so far. While the petitioner is proceeding with the construction work, the officials of the 2nd respondent are interfering with the same. Hence, the petitioner filed this writ petition.

Heard and perused the material available on record.

The main grievance of the petitioner is that the 2nd respondent and the authorities concerned have not passed any orders on his application dated 21.06.2017 for grant of permission to the additional cellar portion and they are not allowing the petitioner to proceed with the construction.

Considering the circumstances of the case and the grievance of the petitioner, this Court is inclined to pass the following order:

“The 2nd respondent and other higher authorities concerned are directed to consider the application of the petitioner dated 21.06.2017 and pass appropriate orders, in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.”

Accordingly, the Writ Petition is disposed of. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

July 20, 2017
KTL

RAJA ELANGO, J