

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.23022 OF 2017

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed seeking to declare the action of the respondents in not considering application, dated 21.06.2017, for grant of approval to the additional floors constructed in the property of the petitioner in Plot Nos.40 & 41 L.P. No.212/ 80, D.No.1-1189-46 situated in Sy.No.52/ 6, NGO Colony, Saidapuram, Kadiri Municipality, Anantpuaram, and to declare the action of the 2nd respondent in interfering with the internal works carrying on in the building/ apartment of the petitioner, as illegal and arbitrary.

The case of the petitioner is that he constructed an apartment after obtaining permission vide BA No.109/ G1/ 2015, dated 15.05.2016, and apart from the sanction plan, the petitioner constructed two more floors and a pent house. The petitioner made an application for approval of the additional floors constructed in the said building, to the then Commissioner of the 2nd respondent along with the required fee, and the then Commissioner orally permitted the petitioner to proceed with the construction and the approval will be grated after obtaining orders from the higher authorities. After completion of the construction of extra floors and the pent house, while the internal works are going on, the present Commissioner of the 2nd respondent and his staff came to the building and started obstructing the internal works being made by the petitioner. Hence, this writ petition.

Heard and perused the material available on record.

Learned counsel for the petitioner submitted that though the petitioner made an application for regularization of the extra floors constructed by him, without considering the same and without passing any orders, the officials of the 2nd respondent are trying to demolish the structures made by the petitioner and if the construction is demolished, the petitioner will be put to irreparable loss and therefore, the 2nd respondent may be directed to consider the application of the petitioner.

Considering the circumstances of the case and the grievance of the petitioner, without going into the merits of the case, this Court is inclined to pass the following order:

The 2nd respondent – Kadari Municipality, Anantapuram District, is directed to consider application, dated 21.06.2017, submitted by the petitioner for regularization of the additional floors constructed in the building, and pass appropriate orders in accordance with law. Till decision is taken on the said application, the respondents are directed not to take any coercive steps in respect of the subject building.

With the above directions, the Writ Petition is disposed of. No order as to costs. As a sequel, miscellaneous petitions pending, if any, shall stand closed.

RAJA ELANGO, J

July 12, 2017
KTL