

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.24553 OF 2017

ORDER:

Heard learned counsel for the petitioner.

The case of the petitioner is that he is the absolute owner and possessor of plot of land admeasuring 151 square yards situated in second block of Grama Kantam, in R.S.No.245/4 at M.Nagulapalli Village of Dwaraka Thirumala Mandal, West Godavari District. He states that he purchased the said land under Registered Sale Deed dated 17.11.2006.

It is the case of the petitioner, as could be seen from his explanation dated 30.03.2017, that he did not submit any application and he was submitting the application for the first time. However, he relied on the constructions made by other plot owners without obtaining any permission in the same locality. He further relied on Rule 26 of the Lay Out and Building Rules, 2002, and states that if the application was not considered and orders were not passed within fifteen days, the permission is deemed to have been granted. He states that he constructed residential house under the said deeming provision. He also expressed his willingness to pay the penalty. The Gram Panchayat issued notice on 18.02.2017 initially and when another notice is issued on 15.07.2017 for removing the unauthorized construction, the present writ petition is filed.

Since the petitioner has constructed the building consisting of ground, first and second floors not only in his land, but by occupying the common passage and the matter went before the Lok Adalat under Complaint No.916/17, dated 31.03.2017, this Court is not inclined to interfere with the impugned notice. It is open to the second respondent to take appropriate action in accordance with law.

The writ petition is accordingly dismissed. Consequently, miscellaneous petitions pending, if any, shall also stand closed.

A.RAMALINGESWARA RAO, J

02.08.2017
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