

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.22403 OF 2017

O R D E R :

The case of the petitioner is that he along with his son, brother and his brother's son entered into Development Agreement with the 5th respondent in respect of land to an extent of 3554.76 Square Yards in Survey No.54/5, Yelamanchili, Visakhapatnam District. As per their agreement the 5th respondent has to complete the construction of residential complex as per the approved plan of Yelamanchili Municipality vide Roc.No.459/2012, G1, dated 5.03.2013 and L.T.No.330/2012/L1, dated 02.02.2013 issued by the VUDA, Visakhapatnam. The developer shall construct the flats as per the rules and regulation approved by VUDA and Yelamanchili Municipality in the name and style of Sowbhagya Residency in Survey No.54/5, Yelamanchili, Visakhapatnam District. As per the 2nd respondent proceedings dated 02.02.2013, the authority imposed 28 conditions for approval of the residential building plans. In that as per condition No.24.1 they shall not use the stilt floor other than parking purpose and they will not take any other construction in stilt floor. As per condition No.28 the Commissioner shall direct the applicant to handover 10% of the total built up area to the municipality and the notarized affidavit shall be got entered by the municipality in the prohibitory property watch register of registration department. Then only the building sanction

will be released and the owner shall be allowed to commence the construction. It is further stated that the sanctioned plan is approved for only residential apartment building with cellar+stilt+ground+5 upper floors. While the things stood thus, the 5th respondent violated the agreement conditions as well as conditions imposed by the 2nd and 3rd respondents at the time of granting permission. Pinpointing the deviations made by the 5th respondents, the petitioner made a representation dated 22.03.2016 to the 3rd respondent. As no action is being taken on the same, present writ petition is filed.

Heard learned counsel for the petitioner, Sri P.Jagadishchandra Prasad, learned Standing Counsel for the 2nd respondent and Sri Nimmagadda Venkateswarlu, learned Standing Counsel for the 3rd respondent.

Since the petitioner has already ventilated his grievance before the competent authority (3rd respondent), it is for the 3rd respondent to take action on the representation of the petitioner.

In view of the same, without going into the merits of the case, the 3rd respondent is directed to consider and take action on the representation of the petitioner in accordance with law.

Accordingly, the writ petition is disposed of. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

07.07.2017
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