

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.7823 OF 2017

ORDER:

The writ petition is filed challenging the action of the respondent authorities in interfering with the petitioner's construction work of ground plus two floors, for which the building permission was already accorded by the 2nd respondent.

It is the case of the petitioner that she was issued with a notice dated 06.01.2017, alleging that the petitioner had constructed three extra floors as against the sanctioned floors of two floors. The petitioner submits that she had submitted the explanation on 27.02.2017 and it was not considered by the respondent authorities so far. Petitioner further submits that she had also filed B.R.S application seeking regularization of the unauthorized constructions in the month of December, 2015 and the same is pending with the respondent authorities.

As can be seen from the material placed on record and the final notice dated 06.01.2017, issued by the respondent authorities directing the petitioner to remove the unauthorized constructions, disclose that the explanation submitted by the petitioner is not satisfactory. As contended by the learned counsel for the petitioner that as on 06.01.2017, there was no explanation submitted by the petitioner and in fact the petitioner submitted her explanation only on 27.02.2017. In that view of the matter, the contention of the learned counsel for the respondent that the explanation submitted by the petitioner was considered, is factually not correct. Further, the very notice dated 06.01.2017, does not disclose any reference to the explanation alleged to have been submitted by the petitioner.

In those circumstances, notice dated 06.01.2017, issued by the respondent authorities, is set aside with a direction to the 2nd respondent to consider the explanation submitted by the petitioner on 27.02.2017. After consideration of the said explanation, if the respondent authorities are not satisfied, the respondent authorities shall be entitled to take action in accordance with the law. Till such time the explanation of the petitioner is considered and pass orders, no coercive steps shall be taken against the petitioner. It is also made clear that the petitioner shall not make any further constructions in violation of the sanctioned plan.

With the above observations, the Writ Petition is disposed of. No order as to costs. Miscellaneous Petitions pending, if any, in this writ petition shall stand closed.

CHALLA KODANDA RAM,J

06.03.2017.

Note:

Issue CC forthwith.

B/o.

GK



THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

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06.03.2017

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