

HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION Nos.15140 and 15201 of 2017

COMMON ORDER:

The complaint of the petitioners in the Writ Petitions is that, though building permission, for construction of residential accommodations, was granted, vide permits dated 21.12.2016 and 09.01.2017, respondent No.2 is interfering with the subject construction, without issuing any notice and without following due process of law. Hence the Writ Petitions.

Learned counsel for the petitioners submits that construction is being carried out strictly in accordance with the building plan without there being any deviations and that the construction is at nascent stage; and, only on account of intervention and undue influence of respondent No.3, the staff of respondent No.2 – Corporation is visiting the subject site and preventing petitioners from carrying on construction without there being any notice or order.

Sri S.Laxminarayana Reddy, learned Standing Counsel for respondent No.2 – Corporation, submits that the petitioners, in both these writ petitions, are adjacent owners; they prepared layout for construction of apartment; construction of apartment is governed by different rules, whereas the setbacks and other requirements, in relation to construction of multi-storied building/apartment, are

governed by different set of rules; it is impermissible to club both sects by obtaining individual permits; respondent No.2 – Corporation had cautioned the petitioners only but, however, had not interfered with the construction; and, if need be, notice would be issued and necessary action would be taken in accordance with law.

In the facts and circumstances of the case, it appears that the petitioners approached this Court based on the visit of field staff. In view of the specific assertion of the petitioners that construction would be made strictly in accordance with the sanctioned plan, and is not constructing any apartment, the Writ Petitions are disposed of with a direction to respondent No.2 to take action, if there are any deviations, only by passing appropriate orders after issuance of notice as enjoined under the Greater Hyderabad Municipal Corporation Act, 1955, as applicable to Visakhapatnam Municipal Corporation, and the Rules made thereunder.

Consequently, miscellaneous petitions pending, if any, in these two writ petitions shall stand dismissed. No order as to costs.

CHALLA KODANDA RAM,J

Date: 26.04.2017
 usd

