

THE HONB'E SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.46737 OF 2016

ORDER:

This writ petition is filed to declare the action of the respondent in interfering with the construction activities of the petitioner though they are having building permit order, dated 10.02.2016, as illegal and arbitrary.

Learned counsel for the petitioner submits that though the petitioner has been granted construction permit on 10.02.2016, the respondent authorities are obstructing the petitioner from proceeding with the construction. He further submits that notice, dated 18.05.2016/04.06.2016 was issued to the petitioner under Section 452(1) of the Hyderabad Municipal Corporation Act and immediately on 07.06.2016 the petitioner submitted their explanation specifically contending that there are no violations of any kind either in obtaining the sanction or in proceeding with the construction work. Learned counsel also submits that, in fact, the construction is at the excavation stage and no construction as such has been made as of now and that the petitioner is only in the process of making construction. Learned counsel also submits that the respondent authorities shall be at liberty to take action if the construction is in violation of the sanctioned plan.

On the other hand, Sri Sampath Prabhakar, learned counsel appearing for the respondent Corporation, denies receipt of explanation, dated 07.06.2016, by the respondent authorities. However, he would assert that the respondent authorities shall not take any action prejudicial to the petitioner without considering the said explanation and that he would instruct the respondent

authorities to treat the explanation, dated 07.06.2016, filed by the petitioner before this Court as explanation submitted before them.

Having considered the respective submissions and as the respondent themselves submit that no coercive action would be taken without following the procedure prescribed in law, the writ petition is disposed of at the admission stage with a direction to the respondent not to take any action against the petitioner as long as the permit granted in their favour is valid and the construction being made is in accordance with the sanctioned plan. It is also made clear that the respondent authorities shall be at liberty to take action in accordance with law, if there are any violations, by passing appropriate orders.

Miscellaneous petitions, if any, shall also stand disposed of. No order as to costs.



CHALLA KODANDA RAM, J

Date: 24.01.2017
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