

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

Writ Petition Nos.40601 & 41650 of 2017

COMMON ORDER:

W.P.No.40601 of 2017 is filed seeking the following relief/s:

‘..to issue an appropriate Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the Respondent Nos.1 to 4 in not taking action against the 5th respondent on the representations dt:28.8.2017, 8.11.2017 and 21.11.2017 by the petitioner as illegal, arbitrary, unreasonable and violative of principles of natural justice besides being violative of Art.14 of Constitution of India and consequently direct the respondent nos.1 to 4 initiate action against the 5th respondent by removing the illegal constructions made in the premises bearing no.5-5-57 contrary to the permit rules and such other order or orders...’

When the above writ petition is taken up for hearing, on 04.12.2017, learned counsel for the petitioner submitted that the 5th respondent is making unauthorised and illegal constructions, without building permit. However, learned standing counsel appearing for GHMC, on instructions, stated that the 5th respondent approached for according permission to make constructions and that permission was accorded for making constructions a week prior to the said date. Recording the said submissions, the writ petition was adjourned.

Later, W.P.No.41650 of 2017 is filed seeking the following relief/s:

‘to issue an appropriate Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondent nos.1 to 4 in not taking action against the 5th respondent for removal of illegal construction as illegal, arbitrary, unreasonable and violative of principles of natural justice besides being violative of Art.14 of Constitution of India, and consequently direct the respondent nos.1 to 4 to initiate action against the 5th respondent to remove the illegal construction made in the premises bearing No.5-5-57 contrary to the permit and to pass such other order or orders..’

Today, when this writ petition is taken up for hearing, learned counsel for the petitioner would submit that after the afore-stated first writ petition is filed and after making progress in the constructions, the building permit was obtained by the 5th respondent and that as per building permit on the front side a set back of 1.52 metres is to be maintained and that the same is not maintained and that the 5th respondent is proceeding with constructions as were originally made without maintaining the set back.

Learned standing counsel, on instructions, would submit that the building permission is obtained by the 5th respondent and that if any constructions are being made in deviation of the building permit, the Corporation would take action against such constructions in accordance with the procedure established by law.

Recording the afore-said submissions, both the Writ Petitions are disposed of directing the authorities of the GHMC to ensure that the 5th respondent makes constructions in the subject property according to the building permit, dated 01.12.2017; and, in the event if it is noticed that any constructions are made or are being made by the 5th respondent in deviation of the building permit, the Corporation shall take appropriate action against such constructions made or being made by the 5th respondent in strict accordance with the procedure established by law. There shall be no order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

M.SEETHARAMA MURTI, J

12.12.2017
Vjl