

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.43920 of 2017

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner seeking verbatim the following relief:

“... to issue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the 2nd and 3rd respondents in demolishing the part of the compound wall and also further intending to demolish the remaining constructions made in the petitioners property i.e., Plot No.27 in survey No.187/AA and 188/AA admeasuring an extent of 100 Sq.yards or 83.6 Sq.Mts., situated at Peerazadiguda village, Ghatkesar Mandal, Ranga Reddy District despite of building permission being granted by the erstwhile Peerazadiguda Grampanchayath vide proceeding No.GPP/134/2014-15 dated 31.03.2016 as arbitrary, illegal, colourable exercise of powers by the 2nd and 3rd respondent authorities besides violation of article 300-A of the Constitution of India. Consequently, restraining the respondents in interfering with the petitioner's property without following to process of law and pass such other order or orders....”

The case and grievance of the petitioner are as follows: - ‘He is the absolute owner of the subject property. He applied for grant of building permit before the then Gram Panchayat by paying the requisite fee. Building permission was accorded, on 30.03.2016. However, since no construction could be made on the basis of the said permit, renewal was sought from the Gram Panchayat; and, renewal was granted, till 30.03.2018. The petitioner is proceeding with the constructions as per the building permit granted by the Gram Panchayat. The Gram

Panchayat is upgraded as municipality in the month of April, 2017. The municipal authorities are high handedly and illegally threatening to demolish the constructions being made by the petitioner in the subject property, without following the procedure established by law. Hence, the writ petition is filed.

Learned counsel for the petitioner would submit that if a direction is given to the respondents 2 & 3 not to interfere with the constructions being made by the petitioner in accordance with the building permit, the ends of justice would be met.

Learned standing counsel representing the respondents 2 & 3 endorses the said submissions.

Having regard to the facts and submissions, the Writ Petition is disposed of directing the respondents 2 & 3 not to interfere with the constructions made and/or being made by the petitioner in the subject property in accordance with the building permit granted and renewed by the then Gram Panchayat. It is made clear that if any constructions are being made in deviation of the sanctioned plan, the 2nd respondent municipality is at liberty to take appropriate action against such constructions, by following the procedure established by law. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

M.SEETHARAMA MURTI, J

21.12.2017

Vjl