

WRIT PETITION No.563 of 2018

ORDER:

This writ petition is filed under Article 226 of the Constitution of India, seeking the following relief:

....to issue Writ Order or Direction more particularly one in the nature of Writ of Mandamus, declaring the in action of the respondents in containing the un-authorized construction of the 3rd respondent without any permission or sanction from the 1st respondent which is against the rules and regulations in 626 yards in Plot No.8, Sy.Nop.476 of Matwada Revenue Village as illegal arbitrary, unjust and against the principles of natural justice and to direct respondents 1 and 2 to immediately act up on in accordance with law and on the representation of the petitioner concerning the illegal constructions and pass such other order.....”

2. Heard the learned counsel for the petitioner, Smt.P.laxmi, learned Standing Counsel, who offers to file vakalat for respondent No.1, Sri M.Ajay Kumar, learned Standing Counsel for respondent No.2, Sri A.Prabhakar Rao, learned counsel for respondent No.3 and learned Government Pleader for Municipal Administration for respondent No.4 and perused the written instructions and prayer in the writ petition with supporting affidavit and other material on record including the information furnished by respondent No.1-Greater Warangal Municipal Corporation to the petitioner on 23.01.2008 under Right to Information Act, 2005, of there is no approval of the building permission to respondent No.3 as on that date.

3. It is stated in the affidavit filed in support of the petition that respondent No.3-M/s.S.B.Constructions is illegally constructing and the respondent-authorities are not acting, despite the petitioner made representations and also filed photos

about the construction allegedly and illegally taken up by respondent No.3.

4. The written instructions of respondent No.1 are that after representation of the petitioner, from perusal of the records of respondent No.3, having satisfied about the title over the property regularized by respondent No.2, by proceedings, dated 21.11.2016 and from the Registered Development Agreement-cum-Irrevocable General Power of Attorney, dated 09.01.2017, and registered rectification deed dated 09.02.2017 in favour of respondent No.3 by the original owner, from the scrutiny and on satisfaction of the said application, the building committee of respondent No.1-Corporation approved the application on 02.11.2017 and the same is under further process. It is stated after approval of the application before final approval with due process, the applicant (respondent No.3 herein) started construction and after came to know of the same, respondent No.1-Corporation stopped the same.

5. The information obtained by the writ petitioner from respondent No.1 under Right to Information Act, on 23.01.2018, speaks there is no approved building permission granted so far. The learned Standing Counsel for respondent No.1 says, though, it is not in so specific words, mentioned only preliminary approval is granted and final approval is under the process is the communication from the last para of the written instructions at page No.2.

6. By recording the same and also the submission of the learned counsel for respondent No.3 of respondent No.3 is going to construct only after final approval.

7. Accordingly, the Writ Petition is disposed of, with a direction to respondent Nos.1 and 2 to consider the representation of the petitioner and dispose of the same and any approval finally given thereby, communicate copy of the same to the petitioner. In the meantime, not to allow respondent No.3 to make any construction. Further grievance of the petitioner is left open.

8. Consequently, miscellaneous petitions, if any shall stand closed. No order as to costs.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 07.02.2018

Note:

Issue C.C. in two days.

B/o.

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