

The Hon'ble Dr. Justice B.Siva Sankara Rao

Writ Petition No.3917 of 2018

Dated 07.02.2018

Order:

This Writ Petition is filed for a Mandamus to declare the action of respondent No.2 in interfering with the construction activity of the petitioner- Association made in its plots as arbitrary and illegal.

Heard learned Counsel for the petitioner, learned Government Pleader for Municipal Administration and Urban Development appearing for respondent No.1 and Sri N.Praveen Kumar, learned Standing Counsel, who offers to appear on the oral instructions of respondent No.2- Municipality. Perused the prayer in the Writ Petition, the supporting affidavit and other material available on record.

Undisputably, the petitioner obtained building permission from the then Panchayat, which was later upgraded to Municipality *i.e.*, respondent No.2. It is the grievance of the petitioner that respondent No.2- authority has directed it to stop the construction activity in the subject plots failing which they would demolish the same.

The learned Standing Counsel for respondent No.2- Municipality submitted that if the respondents find that the

petitioner is making construction by deviating the original approved plan, they will follow the due process of law.

Having regard to the above submission of the learned Standing Counsel, the Writ Petition is disposed of with the direction to respondent No.2 to follow the due process of law by affording the petitioner an opportunity of being heard, if at all they find any deviations in the construction made by the petitioner in the subject plots.

As a sequel to disposal of the Writ Petition, Miscellaneous Petitions, pending if any, stand disposed of as infructuous.

(Dr.B.Siva Sankara Rao, J)

Dt: 7th February, 2018
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