

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.2959 of 2009

ORDER:

In this writ petition, petitioners complain the interference by respondent No.2-Building Inspector, Circle V (Madhurawada Circle), Visakhapatnam with the construction that is being made by them in their respective plot bearing Nos.849, 850, 851 and 848 in Survey Nos.48, 43 and 44, situated at Bottavamipalem, Madhurawada Village, Greater Visakhapatnam Municipal Corporation, Visakhapatnam.

The petitioners assert that the above said plots were allotted to them by the Government and they have applied for building construction permission and the same was approved by the respondents *vide* proceedings, dated 12.03.2008. They also assert that in spite of the fact that they have valid permits and they were making construction within the permissible limits, the respondents are interfering at the instance of the private parties.

Respondent No.2 filed a counter-affidavit asserting that he had received a complaint from one Ommi Suribabu stating that the petitioners have obtained permission by producing bogus allotment cards issued by the Social Welfare Department, Visakhapatnam and as a matter of fact, the layout does not have plots over and above 843. The said Suribabu filed a copy of the proceedings in Rc.No.43/2008/E2/SW, dated 10.12.2008 read with proceedings in Rc.No.454/86/E2, dated 27.12.2001 stating that Madhurawada layout consists of only 843 plots. He further

asserts that in discharge of his duties, he visited the plots in question and instructed the petitioners not to proceed with the construction.

Heard learned counsel for the petitioners and learned Standing Counsel for the respondents.

The petitioners are relying on the allotment cards issued by the Social Welfare Department showing that the plots in question were allotted to them. But, the respondents assert that the Social Welfare Department had clarified that Madhurawada layout consists of only 843 plots and there are no plots with the respective plot numbers as claimed by the petitioners. In other words, there is dispute with respect to the identity of the plots and also the very factum of the petitioners being allotted such plots.

In view of the above and as it is not the case of the respondents that they had issued any notice to the petitioners nor cancelled the building permission, the writ petition is allowed with the direction to the respondents to take appropriate action by following due process of law.

Miscellaneous Petitions, if any pending shall stand disposed of. There shall be no order as to costs.

CHALLA KODANDA RAM, J

Dt: 30.07.2018

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