

HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

WRIT PETITION No.30278 OF 2017

ORDER:

The petitioner has assailed in the Writ Petition proceedings No.G1/539/2017, dated 17.04.2017, issued by the 2nd respondent, asking the petitioner to stop construction in the property, of which the petitioner claims to be the owner.

2. The petitioner contends that permission was granted to the petitioner by the 2nd respondent on 13.03.2017 to make construction of ground and first floor in the subject property; that, initially, the petitioner constructed one room along with compound wall, even a door number had been allotted and water connection was provided, but, subsequently, the impugned notice has been issued on 17.04.2017 asking the petitioner to stop construction and laying of a bore well on the ground that one M.Balakrishna had given a complaint against the petitioner.

3. The petitioner contends that, if the said individual had any dispute with the petitioner, he is free to approach the competent civil Court and obtain appropriate orders but, he cannot instigate the 2nd respondent to stop construction commenced by the petitioner pursuant to a sanction for construction granted by the 2nd respondent.

4. In the impugned proceedings dt.17.04.2017, the 2nd respondent has referred to the complaint of the said person, and stated that one M.Bhumaiah filed O.S. No.167 of 2014 before the Senior Civil Judge, Peddapalli, and another suit in O.S. No.69 of 2016 was filed before the Principal Junior Civil Judge, Godavari Khani, and, therefore, the petitioner should stop construction until the aforesaid suits are disposed of.

5. In the counter-affidavit filed by the 2nd respondent, it is not stated by the 2nd respondent that the petitioner herein is a party to those suits. It is also not denied that construction permission had been granted to the petitioner on 13.03.2017. When such construction permission had been granted by 2nd respondent, on being satisfied about the *prima-facie* title of the petitioner, merely because a third party complained, the 2nd respondent is not entitled to make the petitioner stop construction referring to some litigation, to which the petitioner is not a party. It was open to such third party to approach the civil Court and obtain appropriate orders restraining the petitioner from proceeding with the construction. But the 2nd respondent cannot usurp the power of the Court and direct the petitioner to stop construction till the aforesaid suits are decided, even though the petitioner is not a party to either of the Suits. It is obvious that the 2nd respondent has been instigated by 3rd parties to cause loss to the petitioner and the 2nd respondent had willingly co-operated with such third party by issuing the impugned order.

6. In the light of the above, the Writ Petition is allowed. The order dated 17.04.2017 passed by the 2nd respondent is set-aside and the petitioner is permitted to complete construction, pursuant to the permission granted to him, without any hindrance by the 2nd respondent.

7. The 2nd respondent shall also pay costs of Rs.50,000/- to the petitioner as compensation for the loss caused to him on account of stoppage of construction, because of the order dt.17.04.2017 passed by him. The said amount shall be paid to the petitioner within four (4) weeks from today; and the 2nd respondent is, henceforth, directed not to interfere in civil disputes between the petitioner and any third parties in the manner he has done in this case.

8. In consequence, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

M.S.RAMACHANDRA RAO, J

Date: 18.04.2018.
Dsh



HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

77



30042018

WRIT PETITION No. 30278 OF 2017

Date. 18.04.2018

DSH