

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.11971 of 2009

ORDER:

Petitioner asserts that he was allotted house site to an extent of 67 square yards in Survey Nos.43 and 44 of Madhurawada Village, Visakhapatnam District; he obtained permission from the Greater Municipal Corporation of Visakhapatnam for construction of a house and accordingly, he started construction and as respondent No.2 at the instance of private parties is preventing him to proceed with the construction, he filed O.S.No.155 of 2004 in the Court of Junior Civil Judge, Bheemunipatnam and the said suit is decreed. He further asserts that the permission granted to him was subsisting as on the date of filing of this writ petition. He also asserts that respondent No.2- Building Inspector, Circle V (Madhurawada Circle), Visakhapatnam without any authority is harassing and preventing him from making further construction. Hence, he filed this writ petition.

Respondent No.1 filed a counter-affidavit, wherein he admitted that building permission was granted to the petitioner on 12.03.2008 with certain conditions. He denied the interference of respondent No.2, but admitted with regard to the filing of O.S.No.155 of 2004 by the petitioner. He submits that though there are disputes between the petitioner and the third parties, he unnecessarily involved the Corporation in the matter.

Learned counsel for the petitioner reiterated the assertions in the writ affidavit.

Learned Standing Counsel for the respondents, on instructions, submits that though the petitioner was accorded building permission for ground floor, as on date, he constructed two more floors in violation of the sanctioned plan, as such, the Corporation vests with the right to initiate appropriate proceedings with respect to the unauthorized constructions.

As it is not in dispute that the petitioner obtained permission only for construction of ground floor and in view of denial in the counter-affidavit by the respondents about their interference, the writ petition is closed. It is clarified that the respondents are at liberty to initiate proceedings with respect to the unauthorized constructions, if any, by following due process of law.

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

CHALLA KODANDA RAM, J

Dt: 30.07.2018

kdl