

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.42840 OF 2018

ORDER:

The present writ petition came to be filed seeking to declare the action of the 2nd respondent in trying to demolish the un-authorised structures situated in the cellar of Raga Suvasa Apartments, D.No.30-3-3, Assam Gardens, Visakhapatnam, which were constructed contrary to the building approval dated 30.4.1992 in B.A.No.472/92/ACP-I, in spite of several representations and the observations made by the civil court in O.S.No.1446 of 2005 on the file of the I Additional Junior Civil Judge, Visakhapatnam, as illegal and arbitrary.

The main grievance of the petitioner appears to be that the approved plan clearly shows that the plan was approved for construction of a building comprising of stilt floor, ground floor and two floors. The plan disclosed that the permission given to construct one watchman room measuring 3.5 sq. mtrs. X 3.65 sq. mtrs and an electrical room measuring 2.45 sq. mtrs X 3.65 sq. mtrs. But contrary to the said approved plan, the builder got constructed a room adjacent to watchman room in the cellar. Since it is an un-authorised construction, the members of the petitioner Association approached the 2nd respondent and requested them to take necessary action, for demolition of the un-authorised construction of the said room situated in the cellar of the apartment. But no action has been initiated by the 2nd respondent so far. It is further stated that though the suit in O.S.No.1446 of 2005 was dismissed but the Greater Visakhapatnam Municipal Corporation was given liberty to take appropriate legal steps for demolition of unauthorised structures and bring it in accordance with the building approved plan within three months from the date of the decree.

Learned counsel for the petitioner submits that though the petitioner-Association submitted a representation to the 2nd respondent

on 16.8.2013 requesting to remove the unauthorized constructions in the cellar floor, no steps are taken so far.

Learned Standing Counsel for the 2nd respondent would submit that a direction may be given to the petitioner Association to submit a fresh representation putting forth with their grievance, in which event, the 2nd respondent will deal with the same and pass appropriate orders, in accordance with the law.

Having regard to the facts and circumstances of the case, the writ petition is disposed of directing the petitioner Association to submit a fresh representation putting forth with their grievance, in which event, the 2nd respondent will deal with the same and pass appropriate orders, in accordance with the law, as early as possible, preferably within a period of three months from the date of submission of the representation after giving reasonable opportunity of hearing to the petitioner-Association and all concerned. No order as to costs.

As a sequel to disposal of the writ petition, WP.M.Ps if any pending shall stand closed.

Dated:27.11.2018.
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C. PRAVEEN KUMAR, J

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33



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