

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.45910 OF 2016

Date: 24.01.2018

Between:

Kamuni Nalinikanth, S/o. Satyanarayana,
Aged about 35 years, occu: Business,
R/o. H.No.8-2-91, Gandhi Nagar, Siricilla,
Rajanna Siricilla District, Telangana State.

.....Petitioner

and

The Commissioner, Municipal Council,
Siricilla, Rajanna Siricilla District and
another.

.....Respondents



The Court made the following:

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ORDER:

Heard Sri P.Ravi Kiran, learned counsel for petitioner, Sri N.Praveen Kumar, learned standing counsel for respondent no.1 and no representation on behalf of 2nd respondent/vacate petitioner.

2. This writ petition is filed alleging that 2nd respondent is the owner of property bearing Plot No.9, admeasuring 446 square yards in Sy.No.931 of Shiva Nagar, Siricilla. According to the petitioner, 2nd respondent applied for permission for construction of residential house comprising of ground and first floors and accordingly, permission was granted. However, 2nd respondent in violation of building permission granted, constructed function hall and leasing out for performing functions. Petitioner sought for declaration that inaction of 1st respondent in not removing the function hall constructed by the 2nd respondent without permission as illegal, arbitrary and consequently to direct 1st respondent to take immediate steps for removal of function hall.

3. This Court, by order dated 04.01.2017, taking note of the instructions furnished to the standing counsel of respondent-Municipality, directed the Commissioner of Municipality to conduct inspection of the subject premises and if he found that the premises being used for commercial purpose without obtaining appropriate permission, he should ensure that no commercial activity should be carryon in the subject premises.

4. Alleging violation of the said directions, petitioner filed C.C.No.1909 of 2017. Respondent No.2 filed WVMP No.4718 of 2017 praying to vacate the said interim order.

5. In C.C.No.1909 of 2017, inspection report of the Commissioner, dated 10.10.2017 was filed. Taking note of the inspection report and the written undertaking given by the 2nd respondent, Contempt Case was closed. It reads as under:

“3. The Commissioner, Sircilla Municipality, filed an affidavit. According to the averments, he took charge on 10.07.2017 and as seen from the court record, an inspection report dated 10.10.2017 is filed by the Commissioner wherein it is stated that he conducted physical inspection of the premises and found that the structure was used as function hall and that the owner gave an assurance in writing that she will not use the subject property for any commercial purpose. A copy of the report dated 10.10.2017 and the written undertaking given by Smt.A.Lakshmi, owner of the property are furnished.

4. In view of the undertaking given by the owner of the property and the report of the Commissioner, Sircilla Municipality, the contempt case is closed. It is needless to observe that the Commissioner shall ensure that the owner shall not use the residential building for any commercial purpose. No costs. Miscellaneous Petitions, if any, pending in this writ Petition shall stand closed.”

6. In view of the undertaking already given by 2nd respondent and in view of the report of the Commissioner, learned counsel for petitioner submits that no further orders are required in the Writ Petition. Recording the same, Writ Petition is accordingly closed.

Miscellaneous petitions, if any, pending shall stand closed.

No costs.

JUSTICE P.NAVEEN RAO

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