

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 21303 of 2019

ORDER:

In this writ petition, grievance of the petitioner is that the respondent authorities are threatening to demolish the constructions made by him in the land admeasuring 276.11 square yards in Survey Nos.8/A and 9/B situated Dhobigalli Locality of Sircilla Town and Mandal, Rajanna Sircilla District, without following due process of law.

Learned Standing Counsel for respondent Nos.2 to 4 submits that the petitioner is making constructions in violation of the sanctioned plan and as of date, he has laid two extra floors. He also submits that the respondent authorities inspected the property in question and the petitioner lodged a complaint against them for the offences punishable under the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and an FIR has been registered to that effect.

Learned counsel for the petitioner submits that a water tank is being constructed on the fourth floor.

From a perusal of the sanctioned plan dated 06.02.2019, it is evident that the petitioner is entitled to construct ground + three upper floors in an area of 230.79 square meters. However, a perusal of the photographs filed along with the writ petition discloses that he laid ground + four floors in deviation of the sanctioned plan. However, even the water tank is to be constructed, the same is required to be, at best, only on the third floor.

This Court takes notice of the fact that permission for construction would be granted on estimate basis basing on the area of a particular tenement as civic amenities are required to be provided. In this view of the matter, construction of extra floors violating the floor space index would put enormous pressure on the authorities of the Corporation for providing community/civic amenities and would cause congestion. In view of the same, extra construction, which is alleged to have been made by the petitioner, cannot be allowed to be continued. However, the law mandates that notice be issued and explanation be considered.

In those circumstances, the writ petition is disposed of. It is made clear that the respondents shall ensure that the construction that is being made by the petitioner is strictly in accordance with the sanctioned plan.

Consequently, miscellaneous applications, if any shall stand disposed of. No costs.

CHALLA KODANDA RAM, J

Dt:26.09.2019

kdI

