

HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.24673 OF 2019

ORDER :

This Writ Petition is filed for the following relief:

“.....to pass an order, direction or a writ particularly in the nature of Writ of Mandamus declaring that the action on part of the respondent No.4 in harassing the petitioner and interfering with construction work in respect of property bearing No.MCH No.6-2-1 and 1/1 (Part) and 6-2-1/A6, admn. 951 sq. yards, situated at Lakdikapul, Hyderabad, by way of putting up locks on the entrance gate, under the guise of stopping alleged illegal construction as highly illegal, arbitrary and in violation of the provision of the GHMC Act and also in violation of petitioner's rights guaranteed under Article 14, 21 & 300-A of the Constitution of India and consequently direct the respondent No.3 not to interfere with the construction being done by the petitioner in respect of property bearing No.MCH No.6-2-1 and 1/1 (Part) and 6-2-1/A6, admn. 951 sq. yards, situated at Lakdikapul, Hyderabad.”

2. It is a case where initially on the complaint of the 5th respondent viz., Firasat Hussain, who is also one of the co-owners of the subject land, against the petitioner herein by filing W.P. No.21349 of 2019, this Court, on considering the allegations that the petitioner, who is a builder, having entered into a development agreement, making construction in violation of the sanctioned plan, on the subject land more particularly, by violating the set back norms and

also digging a cellar, directed the respondent authorities to consider the grievance. Pursuant to the same, the respondent officials visited the subject premises where construction is being made by the petitioner herein and having found that the allegations made by respondent No.5 herein in W.P. No.21349 of 2019, to be true, initiated action against the petitioner herein and sealed the construction site. Aggrieved of the same, the present writ petition is filed.

3. In the affidavit filed in support of the writ petition, the petitioner asserts that he has abandoned construction of cellar and also excess floors than the sanctioned plan which were initially envisaged under the development agreement and he would strictly abide by the sanctioned plan and that he has no intention to violate the sanctioned plan. He further asserts that he has already closed the cellar portion and he would not use the same in the future as well. It is also asserted that he has filed an undertaking before this Court to the effect that he would strictly abide by the sanctioned plan granted by the municipal authorities and would construct only stilt + three floors. Thus, he prays for a writ of *mandamus* as aforestated.

4. Sri L. Venkateshwar Rao, learned standing counsel for Greater Hyderabad Municipal Corporation, on instructions, would submit that as long as the petitioner adheres to the sanctioned plan and makes construction without any deviations, the Corporation has no objection for the construction being made, and, accordingly requests to pass necessary orders in accordance with law.

5. Having regard to the respective submissions, since there being no dispute that the petitioner has permission for construction of stilt + three floors vide building permit No.3/C17/14486/2018 dated 05.09.2018, subject to the condition of the petitioner maintaining the set backs and also strictly adhering to the construction according to the sanctioned plan, he shall be allowed to make construction. Since it is reported that the subject premises has been sealed, the same shall be opened by the respondent officials forthwith.

6. With the above directions, the Writ Petition is closed.
No order as to costs.

As a sequel thereto, Miscellaneous Petitions, if any, pending in the writ petition stand closed.

CHALLA KODANDA RAM, J

November 12, 2019.

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