

THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD

W.P.No.28084 of 2019

ORDER:

The writ petition is filed under Article 226 of the Constitution of India with the following prayer:

“To issue any appropriate Writ Order or direction preferably a Writ in the nature of Mandamus by declaring the action of respondents 1 and 2 in interfering with the petitioners constructing activity which is being made as per the sanctioned building permissions vide Permit No. 3049/W33/2018/1408 dated 8.1.2019 granted to the 1st petitioner and Permit No 3049/W33/2018/1405 dated 05/01/2019 granted to the 2nd petitioner respectively without issuing any notice or without following due process of law as illegal arbitrary in nature violative of Article 21 and Article 300-A of Constitution of India and consequently direct the respondents herein not to interfere with the petitioners constructing activity which is being made as per the sanctioned building permissions vide Permit No 3049/W33/2018/1408 dated 8.1.2019 and Permit No 3049/W33/2018/1405 dated 5.1.2019 respectively without issuing any notice or without following due process of law”.

2. Heard learned counsel for petitioners, Sri N.Praveen Kumar, learned Standing Counsel for Respondent No.1-Municipality and learned Government Pleader for Home Respondent No.2.

3. It is the case of the petitioners that the 1st respondent after verifying all the documents, has granted building permission for construction of G+1 upper floor vide permit No.3049/W33/2018/1408 dated 8.1.2019 and Permit No.3049/W33/2018/1405 dated 5.1.2019 respectively and as per the same, when the petitioners started construction, the officials of respondents 1

and 2 with the instigation of local politicians are interfering with the said construction. Hence this writ petition.

4. Learned Standing Counsel appearing for Respondent No.1-Municipality, on instructions, submits that the Respondent-Municipality will not interfere with the construction activity of petitioners if construction is made in accordance with the sanctioned plan. Learned counsel for petitioners confirm that the petitioners are making construction in terms of the sanctioned plan.

5. In view of the same, the writ petition is disposed of, directing the Respondents not to interfere with the construction activity of the petitioners, provided petitioners are making construction in accordance with the building permission and in the event of any deviations, the respondent No.1 Municipality is at liberty to proceed against the petitioner and take appropriate action, as per law. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

T. AMARNATH GOUD, J

Date: 18.12.2019
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18.12.2019

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