

THE HON'BLE SRI JUSTICE T. VINOD KUMAR

WRIT PETITION No.35899 OF 2022

ORDER:

This Writ Petition is filed for issue of writ of mandamus declaring the action of respondents in interfering in the petitioner's house construction work being undertaken by obtaining permission, vide building permission No.145097/NASP/0117/2022 dated 18.03.2022 for G+1 in respect of Plot No.155 admeasuring 200 square yards in Sy. No.35 of Naspur Mandal & Municipality, as being illegal, arbitrary.

2. Heard learned Counsel for the petitioner, learned Government Pleader for Municipal Administration & Urban Development for respondent No.1, learned Government Pleader for Revenue for respondent No.3 and Sri N. Praveen Kumar, learned Standing Counsel appearing for respondent No.2 and with their consent, the Writ Petition is taken up for hearing and disposal at the stage of admission.

3. Petitioner contends that he is the owner of plot bearing No.155 admeasuring 200 square yards situated at Naspur village and Municipality, Manchirial District having purchased the same under a registered sale deed; that the petitioner had

approached the 2nd respondent authority and had obtained permission for construction of residential house consisting of G+1 floor, vide permission dated 03.03.2022, and that upon causing verification of the instant approval granted, the respondent authorities have also issued letter of approval for commencement of work on 18.03.2022.

4. Petitioner contends that after obtaining approval for building permission and also grant of approval of construction of work, the petitioner had undertaken construction in accordance with the sanctioned plan; that while the construction is in progress, the 2nd respondent is seeking to interfere with the said construction activity undertaken by the petitioner, without any reason or right for resorting to such action.

5. Learned Standing Counsel appearing on behalf of the 2nd respondent submits that the said authority is not interfering with the construction activity that is being undertaken by the petitioner and he would further submit that if the petitioner makes any construction in deviation of the sanctioned plan, the authorities would follow the due process of law before taking any further action thereon.

6. In so far as the 3rd respondent is concerned, learned Government Pleader submits they are no way concerned with the construction activity that is being undertaken by the petitioner by obtaining permission. Learned Government Pleader further submits that if the petitioner, under the garb of making construction as per the sanctioned plan, and resorts to making construction by encroaching into any land, the said authorities take further action by putting the petitioner on notice.

7. The above statement made on behalf of the respondent is taken on record.

8. In view of the above assertion and assurance (as noted above) by the learned Government Pleader and the learned Standing Counsel appearing for the respondents, no further orders are necessary in this matter.

9. Accordingly, the Writ Petition is disposed of. No order as to costs.

Miscellaneous petitions, if any, pending in the Writ Petition, shall stand closed.

T. VINOD KUMAR, J

Date: 16.09.2022
MRKR

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