

HON'BLE SRI JUSTICE K. LAKSHMAN

WRIT PETITION No.30463 of 2010

ORDER:

Heard learned counsel for the petitioner and Sri K.R.Koteswara Rao, learned Standing Counsel appearing for respondent No.2.

2. Petitioners herein are the Agreement of Sale cum General Power of Attorney holder of subject property vide bearing document No.1464 of 2003 and 1498 of 2003 both dated 29.08.2003 in favour of M/s Asco Square Estates Private Limited. The petitioners herein had obtained sanctioned plan on 14.09.2008. However, petitioners did not commence any work pursuant to the sanctioned plan. The petitioners herein represented by AGPA holder had submitted application on 30.04.2015 along with building plan and the same was sanctioned on 03.11.2022 by respondent No.2. Now, the petitioners are going to commence work over the subject property pursuant to said building permit dated 03.11.2022. The grievance of the petitioners in the present Writ Petition is

that, respondent No.2 is trying to erect a hoarding on the main road in front of the petitioners property which is effecting the easementary rights of the petitioners and in view of the same, the petitioners are not in a position to commence work. Vide order dated 07.03.2022, this Court directed both the parties to file Memos with regard to the current position of the hoardings and width of the road in existence. In compliance with the said order, both parties have filed memos along with photographs.

3. Referring to plan submitted by the petitioners, Sri K.R.Koteswara Rao, learned counsel appearing for respondent No.2 would submit that 7 feet road is proposed for road widening and once the said work is commenced, respondent No.2 will remove the aforesaid hoarding. Respondent No.2 had erected hoardings without causing any disturbance including easementary rights of the petitioners. However, he would submit that, if petitioners commence work in pursuance of the sanctioned plan dated 03.11.2022, respondent No.2 will remove the said hoarding.

4. In view of the aforesaid discussion, this Writ Petition is disposed of directing respondent No.2 shall remove the said hoarding once road widening programme is commenced and on petitioners commencing the construction work pursuant to the said building plan dated 03.11.2022, whichever is earlier, not to create any disturbance including easementary rights of the petitioners while making construction pursuant to aforesaid building plan dated 03.11.2022. There shall be no order as to costs

As a sequel, the miscellaneous petitions, if any, pending in the Writ Petition shall stand closed.

K. LAKSHMAN, J

January 19, 2023

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