
(2023) 01 TEL CK 0031
In the Telangana High Court
Case No : Writ Petition No. 1789 Of 2023

K.D.V.Prasada Rao

APPELLANT

Vs

State Of Telangana

RESPONDENT

Date of Decision : 24-01-2023

Acts Referred:

Constitution Of India, 1950 — Article 14, 19, 21, 300A

Citation : (2023) 01 TEL CK 0031

Hon'ble Judges : C.V.Bhaskar Reddy, J

Bench : Single Bench

Advocate : Nancharla Murali

Final Decision : Disposed Of

Judgement

This writ petition is being disposed of at the admission stage with the consent of both parties.

This writ petition is filed seeking the following relief:

".....to issue an order, direction, writ more particularly Writ of Mandamus declaring the action of respondents in causing obstruction and interfering in the construction work made by the petitioner i.e., Open Plot No.37, admeasuring 300 Sq.yrds., in Sy.No.18/ABC, situated at Kazipet Jagir, Hanumakonda mandal, Warangal District Which construction is being carried on under Building Permission granted by respondent No.2 in favour of Petitioner vide Building permit Order vide Permit No.3006/30661/W32/2020, dated 21.08.2021 and proceeding No. KUDAL009257, dated 15.09.2018 issued by respondent No.3, as bad, arbitrary, illegal and in violative of principles of natural justice guaranteed under Articles 14, 19 and 21 and Article 300-A of Constitution of India and to set aside the same consequently directing the respondents not to interfere with the construction of the building made by the petitioner in their respective plots and be pleased to pass such other order or orders"

Heard Sri Murali Nancharla, counsel appearing for the petitioner and Sri

S.Surender Reddy, learned Standing Counsel appearing for respondent No.2 and Sri P.Chandra Sekhar Reddy, learned Standing Counsel for respondent No.3.

Learned counsel appearing for the petitioner submits that the petitioner is the owner and possessor of plot No.37, admeasuring 300 Sq.Yrds, in SY.No.18/ABC, situated at Kazipet Jagir, Hanumakonda Mandal, Warangal District having purchased the same through registered Sale Deed vide Document No.4710/2002, dated 20.08.2002. The petitioner has obtained building permission from the 2nd respondent and it is in force till 21.08.2024 and the said plot is forming part of the approved layout.

The grievance of the petitioner is that the respondents are interfering with the construction activity of the petitioner without issuing any notice and without giving any opportunity to the petitioner.

Learned Standing Counsel appearing for the 2nd respondent would submit that though the land in question is part of the open space earmarked in D.P.No.35 of 1992, the petitioner is proceeding with the construction activity in the said land. However, since the Municipal Corporation has granted building permission to the petitioner, the 2nd respondent would follow the due process of law before taking any action in respect of the land in question.

Sri P.Chandra Sekhar Redy, learned Standing Counsel appearing for the 3rd respondent submits that the 3rd respondent has not initiated any action against the petitioner and only with an apprehension, the present writ petition is filed. However, if the petitioner violates any of the conditions of the building permission, the 3rd respondent will initiate appropriate action against the petitioner in accordance with law.

This Court, having considered the rival submissions made by learned counsel for the respective parties, is of the considered view that this writ petition can be disposed of directing the respondents not to interfere with the construction activity of the petitioner in the open Plot No.37, admeasuring 300 Sq.Yrds, in SY.No.18/ABC situated at Kazipet Jagir, Hanumakonda Mandal, Warangal District, as long as the construction is being carried out in accordance with the sanctioned plan. However, it is open for the respondents to follow the due process of law before initiating any action against the petitioner if any illegal construction is being carried out in the land in question.

With the above observation, the writ petition is disposed of.

No costs.

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