

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH**

WRIT PETITION NO. 23778 of 2015

Between:

RGR Owners Welfare Association, Door No.7-5/18/6,
Veterinary Hospital Road, Ramaraopet, Kakinada,
East Godavari District, rep.by its President,
C.Mangayamma @ Padma.

.. Petitioner

AND

The State of Andhra Pradesh, rep.by its Principal
Secretary, Department of Municipal Corporation and
Administration, A.P.Secretariat, Hyderabad and others.

.. Respondents

DATE OF JUDGMENT PRONOUNCED : 30.07.2015

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SUBMITTED FOR APPROVAL:

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THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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1. Whether Reporters of Local Newspapers may : Yes / No
Be allowed to see the Judgments ? :
 2. Whether the copies of judgment may be marked: Yes / No
to Law Reporters/Journals :
 3. Whether Their Lordship wish to see the fair : Yes / No
Copy of the Judgment ? :

HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No. 23778 of 2015

ORDER:

Petitioner is an association of residents of RGR residency Apartment, opposite Veterinary Hospital, Ramaraopet, Kakinada. Petitioner alleges that the developer constructed two flats T3 and T4 at third floor and two pent houses P1 and P2 at fourth floor unauthorizedly without obtaining permission from the second respondent. He also constructed a Flat No.G6 along with compound wall illegally in cellar portion. On account of construction of Flat No.G6 in the cellar portion, the parking area is reduced and it is difficulty for the residents to park their vehicles. All the residents of apartment are entitled to park their vehicles in the cellar portion. On account of illegal construction of Flat No.G6, the parking place is reduced, causing lot of inconvenience. In order to ascertain whether any permission was obtained by the builder in making such constructions, an application was filed under Right to Information Act and Public Information Officer vide his proceedings dated 22.06.2015 informed that constructions made in the cellar is illegal and no permission was granted and in fact notices were already issued against such illegal constructions made. Alleging that illegal constructions were made and causing inconvenience, petitioners submitted a detailed representation to the Commissioner, Kakinada Municipal Corporation on 06.07.2015. Alleging that no action is taken on the said representation, this writ petition is filed.

2. Since petitioners have already ventilated their grievance to the Commissioner and the issue is pending for consideration with the Commissioner, the writ petition is disposed of, without expressing any opinion on merits, directing the Commissioner, Kakinada Municipal Corporation, Kakinada (2nd respondent) to consider the grievance of the petitioner and take appropriate decision as warranted by law. If the Commissioner is of the opinion that certain illegal constructions were made without due permission, appropriate action is to be taken against the illegal constructions made. Notice be given on the 4th respondent and after affording due opportunity, appropriate action as warranted by law shall be taken. The entire exercise should be completed within a period of six weeks from the date of receipt of a copy of this order.

Miscellaneous petitions if any pending in the writ petition shall stand closed.
There shall be no order as to costs.

Date : 30.07.2015

JUSTICE P.NAVEEN RAO

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HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.23778 of 2015

Date: 30.07.2015

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