

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.31029 of 2015

Dated : 23.09.2015

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Between:

Ravuri Nageswara Rao, S/o.Late Lakshmana Rao,
Age 58 yrs, Occu : Cultivation,
R/o.D.No.1-45, Pedaravuru Village, Tenali Mandal,
Guntur District.

.. Petitioner

And

The State of Andhra Pradesh,
rep., by its Principal Secretary,
Municipal Administration,
Secretariat, Hyderabad & 3 others

.. Respondents

This Court made the following :

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ORDER :

Heard learned counsel for petitioner and Sri Nimmagadda Venkateswarlu, learned Standing counsel for R.2 and R.3 and with their consent, the writ petition is taken up for disposal at the admission stage.

2. The petitioner is the owner of 60 Square yards of site at Maladhivari Street, Nazarpet, Tenali, which is his ancestral property and the 4th respondent is the adjacent owner of land to an extent of 5 1/6 cents. The petitioner alleges that the 4th respondent has demolished his building, latrines and bathrooms, encroached into his property and obtained plan from Tenali Municipality. Thereafter, the 4th respondent started construction without having any right and title and by deviating the approved municipal plan. When the petitioner raised objection, the 4th

respondent gave an adamant reply. The petitioner alleges that he submitted an application to the 3rd respondent to measure the property of the petitioner as well as the 4th respondent and when the Town Surveyor visited the site to measure the land after giving notice to the neighbours and also to the 4th respondent, the 4th respondent refused to take the same. He further alleges that there is a civil suit pending between the petitioner and 4th respondent. The petitioner further alleges that on 19.06.2015 he gave representation to respondents 2 and 3 about the illegal constructions made by the 4th respondent. Subsequently on 29.06.2015, the Director of Town and Country Planning of A.P., issued circular dated 29.06.2015 to the 3rd respondent directing to take necessary action. But so far no action is taken. The petitioner also alleges that the 4th respondent is constructing the building by encroaching into his land, and in violation of sanction plan and so far the municipal authorities have not taken any steps and allowing the 4th respondent to construct the same. Alleging no action is taken by the respondent-Municipality, this writ petition is filed.

3. When the matter is taken up, both counsel agreed for disposal of the writ petition with a direction to the respondent-authorities to expeditiously dispose of the representation dated 19.06.2015 submitted by the petitioner.

4. Having regard to the same, without expressing any opinion on the merits of the matter, writ petition is disposed of directing the respondent-Municipality to consider the representation of the petitioner dated 19.06.2015 and pass appropriate orders as warranted under law, within a period of six weeks from the date of receipt of copy of this order, after putting on notice the 4th respondent and after affording due opportunity of hearing and communicate the decision to the petitioner. No costs. Having regard to the same, miscellaneous petitions, if any pending, are closed.

P.NAVEEN RAO,J

23rd September, 2015

Rds