

**THE HONOURABLE SRI JUSTICE A. RAJASHEKER
REDDY**

W.P.No.6360 of 2015

ORDER

Heard learned counsel for the petitioner, learned Government Pleader for Municipal Administration for R1 and learned Standing Counsel for R2.

2. This Writ Petition is filed seeking to declare the action of 2nd respondent in not taking effective action in accordance with the provisions of A.P.Municipalities Act, 1965 (for short 'the Act') to stop the illegal, unauthorized constructions by the 3rd respondent in spite of the representations dated 02.03.2015 and 09.03.2015 of the petitioner, as illegal and arbitrary.

3. The petitioner has purchased the land to an extent of Ac.0.06¾ cents of 326.7 sq. yards in Sy.No.148/3 of Giddaluru Village and Mandal, Prakasam District through registered sale deed dated 19.02.1992. Later, she sold some extent of the said land to the 3rd respondent vide registered sale deed dated 30.12.1996. Petitioner states that she had constructed a house in her land as per the sanction plan. The grievance of the petitioner is that the 3rd respondent raised constructions by encroaching into her site beyond his property unauthorizedly without there being any authentic sanction plan and without leaving setbacks and she made repeated representations to the 2nd respondent to stop the illegal constructions, but no action is taken thereon. Hence, the present writ petition.

4. Learned Standing Counsel for the 2nd respondent, on instructions, submits that since some deviations are found in the constructions made by the 3rd respondent, a notice under Section 217 of the Act was issued and action is being initiated against him. He also submits that the petitioner also made constructions in deviation of the approved plan.

5. In view of the same, since the action has already been initiated by the 2nd respondent, no order need be passed in this writ petition. However, the 2nd respondent shall proceed in accordance with law against the 3rd respondent as well as the petitioner if any deviations are found in the constructions made by them.

6. Accordingly, this writ petition is disposed of. No order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

A. RAJASHEKER REDDY,J

23rd March, 2015

sj