

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.23285 OF 2012

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ORDER:

This petition is filed for a writ of *Mandamus* declaring the inaction of the respondents in taking action against the illegal construction of the 4th respondent at H.No.1-35/4A, Mannanoor Village, Amarabad Mandal, Mahaboobnagar District, as illegal and arbitrary and for a consequential direction to the respondents 1 to 3 to demolish the illegal construction of the 4th respondent as per Sec.121 of A.P.Panchayat Raj Act 1994.

The case of the petitioner is that he is the absolute owner of the house bearing No.1-35/7, situated at Mannanoor Village, Amrabad Mandal and the 4th respondent who is his neighbour who made constructions by encroaching land in between the petitioner's house and 4th respondent's house, without obtaining any permission from the Gram Panchayat. As such, the petitioner issued a legal notice dated 07.06.2012 to respondents 1 and 2 through his counsel to stop the illegal constructions of the 4th respondent. Even after receipt of notice, the respondents have not taken any action against the 4th respondent. As such, petitioner filed appeal before the 3rd respondent with a request to stop the illegal constructions and the 3rd respondent granted stay of the illegal construction. But, the 4th respondent deliberately avoided to follow the orders of the 3rd respondent. Thereafter, the 1st respondent issued a notice dated 20.04.2012 to the 4th respondent to stop the illegal construction and the said notice was served on the 4th respondent. Further, the 3rd respondent has also issued a Memo dated 18.05.2012 to respondents 1,2 and 4 to take immediate action for stopping the illegal construction of the 4th respondent. But, since no action has been taken, present writ petition is filed.

The 1st respondent filed counter affidavit stating that beside the house of the petitioner the 4th respondent is also having house and in between these two houses there exists only 1 ½ feet lane but not 3 feet. It is also stated that the 4th respondent made application to the Gram Panchayat for grant of permission for construction of the house in a site house bearing No.1-35/4A of Mannanoor Village, accordingly the Gram Panchayat has granted permission on 30.08.2011 to the 4th respondent and accordingly the 4th respondent constructed the house strictly in accordance with the permission granted by the Gram Panchayat. It is also stated that they have received notice on behalf of the petitioner to stop the construction of the 4th respondent, but on personal inspection the 4th respondent has constructed the house strictly in accordance with the permission granted by the Gram Panchayat and as such there is no illegality on the part of the respondents.

The petitioner has not chosen to file reply affidavit.

Heard both sides.

In the instant case the allegation of illegal construction made by the 4th respondent without permission is denied by the 1st respondent. In its counter the 1st respondent stated that the 4th respondent has obtained building permission and constructed the building strictly in accordance with the permission granted by it. In view of the same, since no reply affidavit is filed by the petitioner denying the averments in the counter and since the petitioner has not brought to the notice of this Court the deviations made by the 4th respondent in constructing the building permission, I do not see any merits in the writ petition.

Accordingly, the writ petition is dismissed. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any pending in the writ

petitions shall stand closed.

A.RAJASHEKER REDDY, J

14.10.2015

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