

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.34237 OF 2011

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ORDER:

This petition is filed for a writ of *Mandamus* declaring the action of the respondents in not taking appropriate legal action in stopping the illegal construction made by the respondent Nos.2 and 3 and in removing the same, as illegal and arbitrary and for a consequential direction to the 1st respondent to stop the illegal construction undertaken by the respondents 2 and 3 and also remove the said construction.

The case of the petitioner is that she is the owner of Plot bearing No.7, Shrutinagar, Bhongir, having purchased the same under a registered sale deed bearing No.826/97, dated 04.03.1997 and that when the respondents 2 and 3 started construction in the open land on the northern side of petitioner's plot by encroaching the road on the west side across the petitioner's house obstructing free access to the house of the petitioner, illegally and unauthorisedly, without obtaining any permission from the 1st respondent, the petitioner filed a complaint before the 1st respondent. The petitioner also filed an application under Right to Information Act, seeking information as to the action taken by the 1st respondent, for which the 1st respondent informed the petitioner that it has issued provisional notice on 22.03.2010 and confirmation order for demolition on 31.03.2010. But, thereafter, though the petitioner got issued legal notice dated 19.09.2011, no further action is being taken by the 1st respondent against respondents 2 and 3 and the respondents 2 and 3 are proceeding with the construction. Aggrieved by the same, present writ petition is filed.

The 1st respondent filed counter affidavit stating that in pursuance of the complaint made by the petitioner, it has issued P.O & C.O notice to the respondents 2 and 3 under Section 228(1) (2) & (3) of

A.P.Municipalities Act (*for short 'the Act'*), 1965, vide UCR No.TPS/24/2009-10 on 22.03.2010 and 31.03.2010 respectively, and stopped the construction and informed the petitioner accordingly.

The 2nd and 3rd respondents have not filed any counter.

Heard.

In view of the above facts and circumstances, since already provisional notice and confirmation order were issued under Section 228(1) (2) & (3) of the Act to the respondents 2 and 3, it is for the 1st respondent to take further action in accordance with law. As such, the 1st respondent is directed to take further action in pursuance to the notice dated 31.03.2010, in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

With the above direction, the writ petition is disposed of. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any pending in the writ petition shall stand closed.

A.RAJASHEKER REDDY, J

17.08.2015

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