

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.29531 OF 2011

ORDER

-

This writ petition is filed stating that respondents 4 to 6 are constructing a commercial complex adjacent to petitioners' houses and dug the land of 10 feet as cellar without obtaining any permission from the 3rd respondent. Against the same, petitioners made representation to the 2nd and 3rd respondents in the month of January 2011 complaining that the unofficial respondents are making construction of a commercial complex in residential locality due to which their houses are getting damaged. In pursuant to the representation made by the petitioners, a notice was issued to the respondents 4 to 6 and later a final order dated 04.02.2011 was issued asking the respondents 4 to 6 to remove the unauthorised constructions, as they failed to submit explanation to the notice. But till today, no further action has been taken against the respondents 4 to 6. Aggrieved by the same, the present writ petition is filed.

Counter affidavit is filed by the 3rd respondent stating that the respondents 4 to 6 and another filed building applications in 4 parts individually along with proposed plan by paying the requisite fee. But before the approval of the plan, submitted by them before the Municipality, the respondents 4 to 6 and another started construction work in deviation to the proposed plan. As such, a notice was issued to them under Section 228(1) and (2) of A.P. Municipalities Act, 1963 (for short 'the Act') and thereafter the permission for construction was rejected on 23.03.2011. The respondents could not take further action due to the pendency of the present writ petition.

In this case, as per the counter affidavit, the respondents issued notice to respondents 4 to 6, as they have commenced construction of a commercial building without obtaining permission. But the

respondents could not take further action against the respondents 4 to 6 due to the pendency of the writ petition. The allegations made by the petitioners against the respondents 4 to 6 appears to be correct. Though interim orders are not granted by this Court, the 2nd and 3rd respondents have not initiated any action. Any how, as the allegations made by the petitioners against the respondents 4 to 6 is found to be correct, the 3rd respondent is directed to take further action for removal of illegal constructions as per law.

Accordingly, the writ petition is disposed of. There shall be no order as to costs. As a sequel, miscellaneous petitions pending if any, shall stand closed.

A.RAJASHEKER

REDDY,J

Date: 18.06.2015

dv