

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.11529 OF 2015

ORDER:

This petition is filed for a writ of *Mandamus* declaring the inaction of respondents 2 and 3 in not taking any action against 4th respondent for violating the sanctioned plan dated 05.12.2011, as illegal and arbitrary.

The case of the petitioners is that the resident owners of Sri Lakshmi Villa formed into an association with registration No.212/2014 under the name and style of 'Lakshmi Villa Residency Owners Welfare Association', who is the 1st respondent and the 2nd petitioner is its President; that in spite of several objections raised by co-owners, 4th respondent-K.Lakshmi Durga, who is owner of Flat No.102 leased out the said premises to the Bank; that an unanimous resolution was passed objecting for establishment of Bank in the said building; that the 1st respondent has given a complaint to the Commissioner, Greater Visakhapatnam Municipal Corporation requesting to take appropriate action for letting out Flat No.102 in the residential complex to the commercial unit, without a valid permission; that thereafter a notice was issued under Section 452(i) of the Municipal Corporation Act, 1955 (for short 'the Act') to the 4th respondent; that 4th respondent herein filed W.P.No.5290 of 2014, which was disposed of on 05.03.2014 directing the respondents to take action in accordance with law after putting her on notice; and in spite of that respondents are not taking any action. Aggrieved by the same, this writ petition is filed.

Heard the learned counsel for the petitioner, learned Government Pleader for Municipal Administration appearing for the 1st respondent and Sri S.Laxmi Narayana Reddy appearing for respondents 2 and 3.

The learned Standing Counsel for respondents 2 and 3 submits that already notice under Section 452(i) of the Act has been issued to the 4th respondent and the respondent-Authorities will take further action.

In view of the same, this writ petition is disposed of directing the respondent-Authorities to take further action in accordance with law, as directed by this Court in W.P.No.5290 of 2014, after issuing fresh notice to the 4th respondent, within a period of six weeks from the date of receipt of a copy of this order. 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

28.04.2015

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