

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH**

W.P.No.21235 of 2012

Between:

G. Subba Rao

... Petitioner/Appellant (s)

And

The Venkatagiri Municipality
and another

... Respondent (s)

DATE OF JUDGMENT PRONOUNCED: 11.08.2015

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

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| 1 | Whether Reporters of Local newspapers
may be allowed to see the Judgments? | Yes/No |
| 2 | Whether the copies of judgment may be
marked to Law Reports/Journals | Yes/No |
| 3 | Whether Their Ladyship/Lordship wish to see
the fair copy of the Judgment? | Yes/No |

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HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION Nos.21235 OF 2012

ORDER

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The case of the petitioner is that on the northern side of his building, the 2nd respondent is having vacant site and he obtained permission from the 1st respondent for construction of the building with ground floor. But in deviation of the building plan and building regulations, the 2nd respondent started construction of cellar portion in the said site. Regarding the same, the petitioner got issued legal notice on 15.05.2012 requesting the 1st respondent to take necessary action for removal of unauthorised constructions made by the 2nd respondent. In spite of the same, no action has been taken by the 1st respondent. Aggrieved by the same, the present writ petition is filed.

Counter is filed by the 1st respondent stating that the construction of cellar in question has been verified and found that the 2nd respondent has dug 5'-0" feet for foundation and laid the RCC columns and raised brick walls upto the ground level of 3 feet height and filled with fresh sand and other materials. It is also stated that the 2nd respondent has constructed the building leaving 12'-0" feet on eastern side for front open space and also left his site as per Master plan of 100 ft. The 1st respondent also states that the petitioner himself has constructed the building in violation of building rules.

No reply has been filed by the petitioner and the photographs produced by the learned counsel for the respondents show that there is no cellar portion being constructed by the 2nd respondent.

In view of the above, no relief can be granted and the writ petition is misconceived. Hence, the same is dismissed. However, in the counter since it is stated that the petitioner has constructed his building in violation of the building rules, it is open for the 1st respondent to take action against the petitioner in accordance with law. There shall be no order as to costs.

As a sequel, miscellaneous petitions pending if any, shall stand closed.

A.RAJASHEKER

REDDY,J

Date: 11.08.2015

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