

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

**TUESDAY, THE TWENTY FIFTH DAY OF AUGUST TWO
THOUSAND AND FIFTEEN**

–
Present

HON'BLE SRI JUSTICE P.NAVEEN RAO

–
WRIT PETITION No.26954 of 2015

Between:

Kotamsetti Soma Raju,
S/o. Markandeyulu,
Aged about 42 years,
R/o. Pandalapaka Village, Biccavole Mandal,
East Godavari District, Andhra Pradesh.

.. Petitioner

AND

State of Andhra Pradesh,
Rep. by its Principal Secretary,
Municipal Administration,
Secretariat, Hyderabad & 3 others

.. Respondents

The Court made the following:

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HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.26954 of 2015

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ORDER:

This writ petition is filed questioning the action of the respondents 1 and 2 in not taking any action and in not preventing construction and demolishing the unauthorized construction of ground plus two floors with cellar building made by respondents 3 and 4 in the site bearing Door No.32-1-100, T.S.No.1461, situated at Nallamandhu Sandhu, Rajahmundry, East Godavari District, Andhra Pradesh, as illegal and arbitrary.

2. Heard the learned counsel for petitioner and learned Standing Counsel for the 2nd respondent Municipal Corporation and with their consent, the writ petition is taken up for disposal at the stage of admission.

3. Petitioner claims to be resident of Pandalapaka Village in East Godavari District. The petitioner claims to be the absolute owner of a RCC building admeasuring 183 square yards with Municipal bearing No.32-1-99, situated at Nallamandu Sandhu, Rajahmundry. On the western side of the petitioner's building, respondents 3 and 4 have a building with Door No.32-1-100, which was demolished and they have started construction of a new building with ground plus two floors, with cellar building illegally since June, 2015, without obtaining necessary permissions from the concerned authorities and also trying to encroach upon the petitioner's property. Due to the illegal construction of respondents 3 and 4, the building of the petitioner

sustained cracks and the tenants of the petitioner's building vacated anticipating danger to the building. The petitioner has submitted representation, dated 10.07.2015, to the 2nd respondent Municipal Corporation, but so far, no action is taken thereon and the same is pending.

4. When the matter is taken up, both the learned counsel agreed for disposal of the writ petition with a direction to the 2nd respondent Municipal Corporation to expeditiously dispose of the complaint of the petitioner.

5. Having regard to the same, without expressing any opinion on the merits of the matter, the Writ Petition is disposed of directing the 2nd respondent Municipal Corporation to consider the complaint of the petitioner, dated 10.07.2015, and after affording reasonable opportunity to respondents 3 and 4, pass appropriate orders, as warranted by law, within a period of six (6) weeks from the date of receipt of a copy of this order and communicate the decision to the petitioner. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

P.NAVEEN RAO, J

Date: 25th August, 2015

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HON'BLE SRI JUSTICE P.NAVEEN RAO

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WRIT PETITION No.26954 of 2015

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Date: 25th August, 2015

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