

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.13146 of 2015

DATED : 24.08.2015

Between :

V. Ravi Kumar S/o.Shri V.Suri,
Aged 33 yrs, Occu : Service,
R/o.D.No.33-16-14, Ramanadhan Veedhi,
Kasturibaipet, Vijayawada, Krishna District.

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Petitioner

and

The State of Andhra Pradesh,
Rep., by the Principal Secretary,
Municipal Administration Department,
Secretariat, Hyderabad & others.

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Respondents

This court made the following :

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ORDER :

According to the petitioner the respondents 3 and 4 obtained building permission to construct three floors of a residential building in D.No.27-21-13, Satya Complex, Kaleswara Rao Road, Government, Vijayawada, Krishna District. The petitioner purchased 3rd floor of the said building. According to the approved building plan, a provision is made for construction of lift. However, without constructing the lift as initially provided for in the approved building plan, Shop No.8 and 28 are constructed in the place originally ear marked for provision of lift. Aggrieved by such illegal action, the petitioner submitted representation on 27.10.2014 to the 2nd respondent. The petitioner alleges that inspite of bringing to the notice of the 2nd respondent of alleged illegal construction in deviation of the sanctioned plan, as no action is taken, this writ petition is filed.

2. Heard learned counsel for the petitioner and learned Standing counsel for 2nd respondent.

3. Having regard to the fact that a representation is submitted by the petitioner alleging illegal construction of shops in the place earmarked for construction of lift, as per the original building plan, it is suffice to dispose of the writ petition without expressing any opinion on merits, directing the respondent-Corporation to consider the representation of the petitioner and pass appropriate orders. However, as the relief claimed by the petitioner would adversely affect respondents 3 and 4, the respondent-Municipal Corporation is directed

to cause notice and give due opportunity of hearing to respondents 3 and 4, before taking any further course of action on the representation of the petitioner. It is made clear that there is no expression of opinion, on alleged constructions made by respondents 3 and 4 and the respondents 3 and 4 are entitled to present all the relevant documents in support of their claim to the satisfaction of the respondent-Corporation and all their rights are preserved. After considering the claim of respondents 3 and 4, appropriate decision shall be taken by following due process of law, within a period of six (6) weeks from the date of receipt of copy of this order and communicate the same to the petitioner.

4. With the above directions, this Writ Petition is disposed of. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

24th August, 2015.
Rds

P.NAVEEN RAO,J