

**HON'BLE SRI JUSTICE P. NAVEEN RAO**

**WRIT PETITION No.18874 of 2015**

**ORDER:**

Petitioner claims to be a resident of PRR Complex situated in Ramalingapuram of Nellore Town. There are shops in the ground and 1<sup>st</sup> floors. The petitioner is residing in the 2<sup>nd</sup> floor of the building. One of the shops of the ground floor fell to the share of his brother, who let out the same to the 4<sup>th</sup> respondent herein, in which he is doing the business of making and selling of hot potato chips. The grievance of the petitioner is that the 4<sup>th</sup> respondent kept an iron drum in front of the shop and he is using the same as chimnee for making hot chips. This process emits smoke and heat, which is directly affecting not only the health of the petitioner and his family members, but also of the residents of the premises. The residents of the apartment building have submitted a representation to the Commissioner of Nellore Municipal Corporation on 29.04.2015 bringing to his notice the inconvenience and hardship in such operation being conducted by the 4<sup>th</sup> respondent. The petitioner submitted another representation on 11.05.2015. So far, no reply is given to them, on the contrary, the 4<sup>th</sup> respondent continued to carry on his business in the aforesaid manner causing hardship.

2. Learned Standing Counsel for the respondent-

Corporation submits that since the petitioner has submitted representations to the Corporation, which are pending consideration, the writ petition may be disposed of directing the Corporation to pass orders on the said representations.

3. Having regard to the said submissions, without expressing any opinion on merits, the writ petition is disposed of directing the 3<sup>rd</sup> respondent-Corporation to consider the representations submitted on 29.04.2015 and 11.05.2015 of the petitioner regarding functioning of retail out let of the 4<sup>th</sup> respondent, and pass appropriate orders within three weeks from the date of receipt of a copy of this order. The 4<sup>th</sup> respondent should be given an opportunity of personal hearing before taking appropriate decision. It is also made clear that there is no expression of opinion on merits and whatever rights available to the 4<sup>th</sup> respondent are preserved. No order as to costs.

4. Miscellaneous Petitions pending, if any, shall stand closed.

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**P. NAVEEN RAO, J**

26<sup>th</sup> June 2015

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