

HON'BLE SRI JUSTICE P.NAVEEN RAO

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WRIT PETITION NO.23456 OF 2015

ORDER:

This writ petition is filed for a *Mandamus* declaring the inaction of respondent No.2 in not preventing the illegal construction of respondent No.3 at D.No.9/100, Naik Street, Cumbhum, Prakasam District, pursuant to the representation dated 13.06.2015 submitted by the petitioners, as illegal, arbitrary and in violation of principles of natural justice and consequently direct respondent No.2 to take necessary action as per law on the representation.

2. Heard the learned counsel for the petitioners, learned Government Pleader for Panchayat Raj (Andhra Pradesh) appearing for respondent No.1 and Sri G.Seshadri, learned Standing Counsel appearing for respondent No.2.

3. The petitioners claim to be the residents of Cumbhum and Petitioner No.1 constructed a house in the above mentioned property.

4. The petitioners alleged that respondent No.3 constructing a house abutting to their house without obtaining sanctioned plan from respondent No.2 without following the building norms such as leaving minimum space between the houses etc., Having noticed such illegal construction, the petitioners claimed to have submitted a representation to respondent No.2/Grampanchayat. This writ petition is filed alleging that no action is taken in spite of complaint made by the petitioners and the construction is going on.

5. Respondent No.2/Grampanchayat filed counter-affidavit.

According to the averments in the counter-affidavit, respondent No.3 demolished her old house and submitted an application on 30.06.2015 seeking permission of the Grampanchayat to construct Ground+First Floor. On the complaint given by the petitioners, it has come to the notice of the Grampanchayat that even before the building permission was granted, respondent No.3 was undertaking construction. Accordingly, the Grampanchayat directed respondent No.3 not to undertake construction. Since it was further brought to the notice of the Grampanchayat that construction was going on

in spite of directions issued, registered notice was sent to respondent No.3 on 27.07.2015 to stop construction and accordingly, respondent No.3 stopped the construction. It is further averred that the building permission application of respondent No.3 is under consideration of the Grampanchayat and the same would be considered and appropriate orders will be passed.

6. However, the learned counsel for the petitioners submits that even now respondent No.3 is undertaking construction and the same is illegal.

7. Having regard to the said submissions, this writ petition is disposed of directing respondent No.2 to ensure that no construction is being made by respondent No.3 before building permission application is processed and appropriate orders are passed.

8. With the above directions, this Writ Petition is disposed of. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, pending if any, shall stand closed.

P.NAVEEN RAO, J

Date: 13.08.2015

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