

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No. 23818 of 2012

Order:

The petitioner who claims to be the owner and possessor of property bearing door No.15-220, Burma Street, in Survey No.59, 15th Ward, Kammapalle village, Madanapalle Municipal Area, Madanapalle, Chittoor district filed the present Writ Petition challenging the constructions made by the second respondent whose property is situated on the northern side to the petitioner.

It appears that the petitioner issued a legal notice on 03.02.2009 to stop the construction and challenging the same the second respondent filed a suit in O.S.No.35 of 2009 on the file of the Junior Civil Judge, Madanapalle seeking permanent injunction. However, he could not get any interim order. When the second respondent applied to the first respondent for building permission, the present Writ Petition was filed.

Learned counsel for the second respondent submits that the second respondent is entitled to apply for building permission as per law and the petitioner cannot raise any objection for the same. He further submits that the petitioner is no longer interested in the property as she sold away the property to some third party.

Be that as it may, it is for the first respondent to consider the application of the second respondent for building permission and take necessary action if there are any unauthorised constructions. The petitioner cannot file the present Writ Petition seeking a direction not to grant permission to the second respondent. It is for the first respondent

to consider the application of the second respondent in accordance with law.

The Writ Petition is, accordingly, disposed of. There shall be no order as to costs.

As a sequel thereto, the miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

A. RAMALINGESWARA RAO, J

Date: 06.12.2016
Nsr

