

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.33433 OF 2016

DATED : 10.11.2016

Between :

G. Sahajeevan Babu S/o.Sri Ramaiah,
Aged about 55 yrs, Occu : Business,
R/o.Pairamanna Street,
Madanapalle Town, Chittoor District.

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Petitioner

And

The State of Andhra Pradesh,
Rep., by its Principal Secretary,
Municipalities, Secretariat, Hyderabad & others.

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Respondents



This court made the following :

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ORDER :

Petitioner, a resident of Madanapalle town, instituted this writ petition alleging inaction on the part of the respondent-Municipality in allowing construction of shopping complex without title and necessary permission in Sy.No.173 of Madanapalle in an extent of Ac.0-97 cents and to direct demolition of the said shopping complex.

2. Petitioner appears to be a former counselor of the Municipality. By placing reliance on communication given to Boyapati Suresh Kumar on 06.12.2010, by the Public Information Officer, Madanapalle, petitioner would contend that as per records, the land is being classified as Government land and no private person can undertake construction illegally and inspite of submission of several representations, Municipality has not taken any action.

3. The owner of the building is not made as a respondent. Learned counsel for the petitioner would submit that petitioner is not aware as to who is the owner of the property and who has made construction and relevant information could not be ascertained by him.

4. Admittedly petitioner is not a neighbour and by virtue of the said construction, no personal right of the petitioner is affected. If according to petitioner the illegal construction is made on Government property, as a public spirited person, more so, being a

former counselor it is open to the petitioner to assail the inaction on the part of the Government as well as the Municipal Corporation in protecting the property of the Government by initiating Public Interest Litigation and agitate on behalf of the public at large. Since no individual right of the petitioner is affected by virtue of the alleged illegal construction and in the absence of the owner of the property being made a party, no direction as sought for can be granted in this writ petition.

5. Hence, the writ petition is dismissed, leaving it open to the petitioner to agitate the issue of alleged illegal/unauthorized construction on Government property in appropriate proceedings, that are available, if so advised. There shall be no order as to costs.

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

10th November, 2016
Rds

P.NAVEEN RAO,J