

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No.18099 of 2012

ORDER:

This Writ Petition is filed challenging the inaction of the 1st respondent in demolishing the compound wall constructed by respondents 2 and 3, pursuant to the representation, dated 30.05.2012, submitted by the petitioner.

2. Respondents 2 and 3 filed a counter affidavit stating that pursuant to the representation, dated 30.05.2012, submitted by the petitioner, the 1st respondent called them to submit the required documents and accordingly respondents 2 and 3 submitted the building permission granted on 01.01.2008, which includes construction of the compound wall and they did not deviate from the sanctioned plan. It is stated that after construction of the building, respondents 2 and 3 are in possession of the land along with the building, but, the petitioner wanted to harass them. It is also stated that no passage was existing as claimed by the petitioner. However, on the persistent efforts made by the petitioner, the officials of the 1st respondent came to the spot on 10.10.2012 and tried to demolish the compound wall. The averment of the petitioner that he has been using the passage for the last eight years was denied. It is alleged that the petitioner himself made illegal construction in his property, as could be seen from the proceedings, dated 18.03.2013, which were issued under the Right to Information Act.

3. In view of the existence of building permission in favour of respondents 2 and 3, the claim of the petitioner with regard to the obstruction of pathway cannot be decided in the present Writ Petition. If the petitioner is aggrieved by the same, it is open to him to initiate appropriate civil proceedings in accordance with law by impleading the 1st respondent.

4. Subject to the above observation, the Writ Petition is dismissed. There shall be no order as to costs.

The miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

A. RAMALINGESWARA RAO, J

Date:25.10.2016

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