

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No. 13404 OF 2012

ORDER:

This present Writ Petition was filed challenging the in-action of the 1st respondent-municipality and its subordinates in not stopping the illegal construction undertaken by the 2nd respondent in premises bearing door No. 20-14-6A, Lanka Street, Vizianagaram, without obtaining any permission.

2. It appears that the said premises is abutting the building of the petitioner on the western side. When the 2nd respondent was constructing a nursing home, the neighbouring people objected to the same and a legal notice was issued to the 1st respondent on 30-11-2011. After considering the said objection, the 1st respondent appears to have returned the plan. It is the case of the petitioner that even after returning the plan also, the 2nd respondent was going ahead with the construction and in those circumstances, he filed the present Writ Petition.

3. The 2nd respondent filed his counter stating that he demolished the old building and applied to the municipality for construction of the new building. The municipality granted permission in BA.No. 693/2011/G2 dated 01-05-2012 and after obtaining the said permission only, the construction was taken up. The present Writ Petition was filed only with a view to harass the 2nd respondent as he purchased the building adjacent to the building of the petitioner.

4. Though no counter affidavit is filed by the 1st respondent, in view of the specific details given by the 2nd respondent with regard to the permission granted by the 1st respondent, this Court sees no ground to continue the Writ Petition and the Writ Petition is, accordingly, dismissed. Pending miscellaneous petitions, if any, in this Writ Petition shall stand dismissed in consequence. No order as to costs.

A.RAMALINGESWARA RAO, J.

Date: 02nd November, 2016.
JSK