

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.20301 of 2012

ORDER:

The petitioners are wife and husband. It is stated that they have purchased an old house through registered sale deeds dated 04.09.2010. After purchase of the said old house, they demolished the same and constructed a new building after obtaining permission from the respondent on 15.06.2011. While so, their neighbour, Chakka Rama Subbamma, filed O.S.No.520 of 2011 before the Junior Civil Judge, Nellore, for restoring the damaged portion of her building and for mandatory injunction restraining the petitioners from raising constructions. It is her case that since the petitioners removed the land to the depth of 10 feet with heavy machinery and JCB, it resulted in damage to her building. The said suit was pending at the time of filing of the writ petition. While so, on 02.07.2012 when the respondent officials came to the building and tried to demolish, the present writ petition was filed.

2. This Court, by order dated 05.07.2012, directed the respondent not to take any steps for demolition of the building bearing old H.Nos.285 to 289, 18/587, 588, present door Nos.509 and 210 of Nellore town, SPSR Nellore District and gave liberty to the respondent to take action if they are in deviation from the sanctioned plan as approved in the permit order dated 15.06.2011.

3. Even after four years, no counter affidavit is filed by the respondent.

4. In the circumstances, this writ petition is disposed of directing the respondent to verify the constructions made by the petitioners along with the sanctioned plan as approved in the permit order dated 15.06.2011 and if the respondent finds any deviation, the respondent shall issue appropriate notice in accordance with law and take further action. There shall be no order as to costs.

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

01st November, 2016
Bvv

A. RAMALINGESWARA RAO, J

