

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.38388 OF 2016

Dated:14.11.2016

Between:

M. Venkata Subbaiah, S/o. Late Subbanna,
Aged about 55 years, Occ: Weaver,
R/o.27-494, Rameswaram, Proddatur,
Kadapa District and others .. Petitioners

And

The State of Andhra Pradesh, rep., by its
Principal Secretary, Municipal
Administration and Urban Development
Department, Secretary Buildings,
Hyderabad and others .. Respondents



The Court made the following:

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ORDER:

This Writ Petition is filed for the following relief:

“.. to issue a writ, order or direction more particularly one in the nature of writ of mandamus, declaring the action of the respondents 2 to 4 in not taking any action in pursuance to the representation of the petitioners against the 5th respondent from proceeding with the illegal construction at H.No.27-481, Rameswaram, Proddatur Town, Kadapa District, even though the 2nd respondent had confirmed to the 4th respondent that the construction sought to be made by the 5th respondent is without permission through his communication dated 11.02.2016 even after lapse of more than 10 months as being illegal, arbitrary, unjust, improper and is in negation of the established Judicial Precedents besides in violation of Articles 14 and 21 A of the Constitution of India and consequently direct the respondents to demolish the aforesaid house forthwith, and pass such other order or orders may deem fit and proper.”

2. The petitioners are neighbours and they allege that the 5th respondent constructed steps on the road and opening window and a door into the public street. The grievance of the petitioners is that though they made representation dated 02.04.2016 to the 3rd respondent, no action has been taken so far.

3. Learned Standing Counsel for the respondent – Municipality, on instructions, submits that the building permission was granted to the 5th respondent on 27.02.2016. However, on verification, it was noticed that the 5th respondent has deviated from the plan sanctioned to him. Therefore, notice, dated 31.03.2016, was issued calling upon the 5th respondent to explain

as to why action should not be taken for making illegal construction.

4. Having regard to the said submission, it cannot be said that no action was taken by the respondent – Municipality against the 5th respondent. However, as noticed from the above facts, though notice was issued on 31.03.2016, for more than seven months no further action is taken against the 5th respondent.

5. In view of the same, the respondent – Municipality is directed to take further course of action with regard to the alleged illegal construction made by the 5th respondent, as expeditiously as possible, within a period of two months from today. It is always open to the 5th respondent to satisfy the competent authority that there were no deviations and he has made construction strictly in accordance with the building permission. However, disposal of this Writ Petition does not take away to establish the right of the 5th respondent against the alleged show cause notice issued to him and proposed action by the respondent – Municipality.

6. With the above observations and directions, the Writ Petition is disposed of. There shall be no order as to costs.

Miscellaneous petitions, if any, filed in this Writ Petition shall stand closed.

P. NAVEEN RAO, J

Date:14.11.2016

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