

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 688 OF 2015

ORDER :

Questioning the action of Respondents 2 and 3 in not removing the illegal constructions made by the 4th respondent at D.No. 1-2-22, Nazarpet, Tenali Town & Municipality, Guntur District, this Writ Petition has been filed.

The case of the petitioner is that since July 2014, the 4th respondent started constructing multi-storeyed building in the subject premises, without obtaining any permission from the 3rd respondent Municipality. Though the petitioner submitted representations on 15.11.2014 and 17.11.2014 to Respondents 2 and 3, no action has been taken on the illegal constructions being carried on by the 4th respondent. The 4th respondent is still contemplating to make further constructions in the premises in violation of the building rules and regulations is what the petitioner complains in this Writ Petition.

The 4th respondent has filed the counter-affidavit, wherein, it has been stated that the landlord of the 4th respondent school has obtained necessary permission for construction of the building from the 3rd respondent *vide* sanction No. BA No. 269/2014/G-2, dated 02.04.2015.

Heard learned counsel for the petitioner.

Learned counsel appearing for the 4th respondent Sri Srinivas Kalanidhi submits that the petitioner was an ex-employee of the 4th respondent school and a criminal case is pending against her on the file of the Court of the I Additional

Judicial Magistrate of I Class at Tenali for misappropriation of funds and only on account of the personal vendetta, she filed the present Writ Petition. According to the learned counsel, the construction has been carried on, strictly in accordance with the permission granted by the 3rd respondent and now, due to the pendency of the Writ Petition, the authorities have not issued the occupancy certificate, on account of which, the building has not been put to use.

Here, it is to be noted that the permission granted in favour of the 4th respondent to construct the building is not challenged before this Court. Further, it is never the case of the petitioner that the constructions made by the 4th respondent has in any manner affected her rights. In this context, the specific contention of the learned counsel for the 4th respondent that the petitioner, in order to come out of the criminal case, has filed this Writ Petition, cannot be brushed aside. In as much as, as can be seen from the counter-affidavit filed by the 4th respondent and the contentions made by her counsel, the constructions have been completed in accordance with the building permission and only issuance of occupancy certificate is pending, the Writ Petition does not deserve any consideration.

The Writ Petition is therefore, dismissed. No costs.

Consequently, the miscellaneous Applications, if any shall also stand dismissed.

CHALLA KODANDA RAM, J

20th October 2016

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