

**HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN
AND
HON'BLE SRI JUSTICE A. SHANKAR
NARAYANA**

WRIT PETITION No.12448 OF 2009

—
ORDER: (Per Hon'ble Sri Justice V. Ramasubramanian)

One Mr. I. Rama Swamy, a Freedom Fighter and Social Worker, sent a letter to the Andhra Pradesh High Court Legal Services Committee, Hyderabad, complaining that some landlords in a particular area in Nellore, let out their premises for lorry transport offices. As a consequence, loading and unloading used to take place frequently and the movement of the vehicles including heavy vehicles caused hindrance to the residents of the locality and also caused pollution.

2. The Andhra Pradesh High Court Legal Services Committee referred the letter to a Panel Advocate, who opined that it is a fit case for treating as Public Interest Litigation. Thereafter the letter was treated as public interest litigation and taken on file and notices were ordered.

3. In the counter affidavit filed by the Commissioner of Municipal Corporation, Nellore, he has taken a stand that action has been initiated against the persons who let

out the properties to lorry transport operators. He has also stated that action will be pursued vigorously.

4. In so far as one transport operator is concerned, the author of the letter is stated to have withdrawn the complaint. Paragraph Nos.2 to 4 of the counter affidavit filed by the Commissioner of the Municipal Corporation, Nellore read as follows:

“2. In reply to the averments and allegations made by the Petitioner herein it is submitted that this Respondent on receipt of the application from the Petitioner herein issued notice to Sri G. Sunil Kumar Reddy, owner of the building door No.16-3-417, Vedamvari Agraharam, Nellore vide Roc.No.163/09-G2, under Sections 441, 442 & 443 of Hyderabad Municipal Corporations Act, 1955 informing that the building bearing Door No.16-3-417 which was let out to a transport office which creates new cense (*sic*. nuisance) to the neighbors of the locality and that the said building is false (*sic*.falls) in residential area use zone as per sanctioned master plan and no commercial activities like transport offices and godowns are permitted in residential zone and further informed that the said building has to be utilized only for the purpose of residential use, failing which action will be initiated as per rules. It is submitted that Sri G. Sunil Kumar Reddy having receipt of the notice dated 29.5.2009 so far not submitted any explanation. The further action will be initiated shortly, for compliance of the notice dated 29.5.2009.

3. In reply to the allegations made by the Petitioner in his Petition it is submitted that after receipt of the complaint from the Petitioner herein this Respondent Corporation has already taken

steps for lifting of the Garbage immediately and there is no obstructions and debris and other waste materials and rain water are not there at present as shown in the photographs annexed to the Writ Petition.

4. I respectfully submit that before the present Writ Petition for admission itself this Respondent has taken all the steps for complying with the objections raised by the Petitioner herein. As such in response to the action initiated by this Respondent Corporation in pursuance of the complaint made by the Petitioner, the Petitioner submitted a representation dated 24.6.2009 to this Corporation withdrawing the earlier petition submitted against the transport offices i.e., V.R.L. Transports about the nuisance and requested not to take any further action against them and expressed sorry for the inconvenience made by filing applications.”

5. In view of the above, no further directions may be necessary. No further directions may also be possible in the absence of the landlords and the transport operators being made parties to the writ petition. Hence, the writ petition is closed accordingly. No order as to costs.

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

V.

RAMASUBRAMANIAN, J

A. SHANKAR NARAYANA, J

June 07, 2016.

Mgr