

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 34485 OF 2016

ORDER :

This Writ Petition is filed seeking a *mandamus* declaring the inaction of Respondents 2 and 3 on the complaints said to have been submitted by the petitioner on 25.01.2016, 27.01.2016 and 31.01.2016, despite the directions issued by this Court in Writ Petition No. 7858 of 2016 on 21.03.2016, as illegal and arbitrary.

The petitioner claims to be the owner and possessor of property bearing No. 11-20-19, Pulabhavi 2nd Street, Vijayawada. His complaint is that Respondents 4 to 7, who are said to be his neighbours, in the process of demolishing their old structures, started digging foundation of his (petitioner) plot and damaged the walls. Hence, he approached Respondents 2 and 3 and lodged the complaints detailed above, against Respondents 4 to 7, but no action has been taken thereon. Hence, the petitioner filed Writ Petition No. 7858 of 2010, which was disposed of directing the official respondents to consider and take appropriate action in the matter, if warranted, in accordance with law, within four weeks from the date of receipt of a copy of that order. Pursuant to the said direction, notices were issued by the respondent Corporation to Respondents 4 to 7. Questioning the same, it appears, Respondents 4 to 7 filed O.S. No. 702 of 2016, wherein the order of *status quo* was granted by the III Additional Junior Civil Judge, Vijayawada. It is the case of the petitioner that, Respondents 4 to 7, under the guise of the order of *status quo*, continued to violate his rights, but still the respondent Corporation has not taken any

steps either to get the order vacated or contest the suit filed by Respondents 4 to 7. Hence, this Writ Petition.

Heard learned counsel for the petitioner.

Learned Standing Counsel for the Corporation submits that pursuant to the orders of this Court in Writ Petition No. 7858 of 2016, the Corporation has issued a notice under Section 452 of the Hyderabad Municipal Corporation Act, the provisions of which are applicable to Vijayawada City also, but however, in view of the order of *status quo* obtained by Respondents 4 to 7 in O.S. No. 702 of 2016, the Corporation is restrained from proceeding further. However, submits the learned Standing Counsel, that necessary steps would be taken against Respondents 4 to 7 in accordance with law.

The submission made by the learned counsel for the respondent Corporation appears to be reasonable, inasmuch as in the written statement filed by the respondent Corporation in the suit, in paragraph 5, it has taken the plea that on inspection of the premises in question, the Corporation found various deviations from the approved plan and that it would take appropriate action against Respondents 4 to 7, by considering the reply, if any of the plaintiff. In view of the submissions made by the learned Standing Counsel, it cannot be said that the Corporation has not acted on the complaints said to have been submitted by the petitioner.

However, liberty is given to the petitioner to implead himself in O.S.No. 702 of 2016 on the file of the Court of the III Additional Junior Civil Judge, Vijayawada and seek vacation of the order of

status quo passed therein, so as to pave way to the Corporation to take appropriate action in the matter, in accordance with law.

Subject to the above, the Writ Petition stands disposed of. No costs.

Consequently, the miscellaneous Applications, if any shall also stand disposed of.

CHALLA KODANDA RAM, J

18th October 2016

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