

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No. 12825 of 2016

ORDER:

Heard Ms.Rajani, learned counsel representing Sri Nimmagadda Satyanarayana, learned counsel for the petitioner, and Sri Nimmagadda Venkateswarlu, learned Standing Counsel for the Greater Kandukur Municipality.

2. The prayer of the petitioner in this case is as under:

“For the reasons stated in the accompanying affidavit, the petitioner prays that this Hon’ble Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the inaction on the part of 2nd respondent on the petitioner’s representation by way of Legal Notice dt.31.03.2016 submitted for removal of already constructed portion of illegal construction of Commercial Complex made by 2nd Respondent in his house site property admeasuring 630 square Yards in Survey No.865/1A1A/2A1 situated in 19th ward, Kalidasuvari Street, Kandukur Town, Prakasam District which is situated adjacent to the petitioner’s Sushma Children’s hospital situated in around 698 2/9th square yards in 5th ward in Kandukur Town, Prakasam District and for prevention of further illegal construction being undertaken therein, in deviation of approved plan and without leaving setbacks, as illegal, irregular, irrational, amounts to non-discharge of legal obligation conferred on 2nd respondent under the provisions of Andhra Pradesh Municipalities Act, 1965 and rules framed there under and offences Article s14 and 21 of the Constitution of India and consequently direct the 2nd respondent to remove said illegal constructions by preventing further illegal constructions being made by 3rd Respondent in the said property and to pass such other order or orders as this Hon’ble Court may deem fit and proper in the circumstances of the case.”

3. Sri Nimmagadda Venkateswarlu, learned standing counsel, states that acting upon the complaint made by the petitioner, notice dated 11.04.2016 was issued to the third respondent in relation to the deviations committed during construction.

4. In the light of the order proposed to be passed by this Court, there is no necessity to put the unofficial respondents on notice as this Court is not venturing to adjudicate any issue on merits.

5. As action is stated to have already been initiated upon the complaint dated 31.03.2016 made by the petitioner, it is for the authorities concerned to take it forward to its logical conclusion in accordance with the due procedure. In this exercise, the authority would necessarily have to give an opportunity of hearing to all the parties who would be affected by any decision taken upon the petitioner's representation. Adhering to this procedure, the second respondent shall duly consider the petitioner's representation dated 31.03.2016 and take appropriate action in the matter, if warranted,
in accordance with law. This exercise shall be completed expeditiously and in any event, not later than three weeks from the date of receipt of a copy of this order.

The writ petition is disposed of with the above directions. Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE SANJAY KUMAR

April 19, 2016
Lmv