

**IN THE HIGH COURT OF JUDICATURE, AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA
PRADESH**

HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION NO. 28742 OF 2016

Between:

Ch. Mallikarjuna Reddy S/o Mastan Reddy

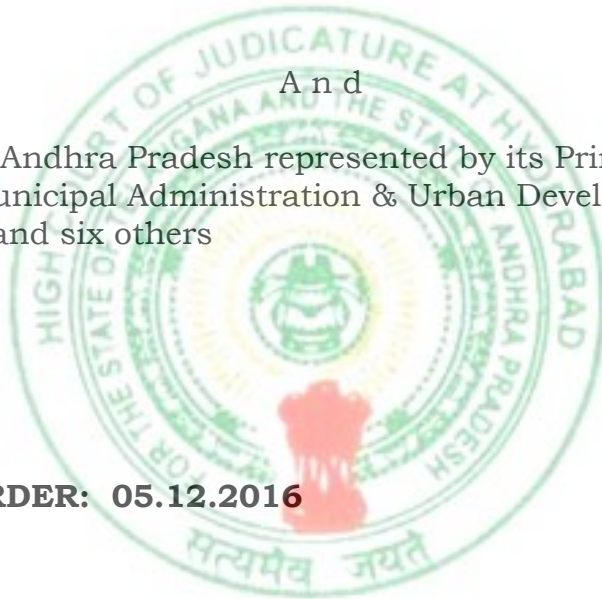
....Petitioner

A n d

The State of Andhra Pradesh represented by its Principal
Secretary, Municipal Administration & Urban Development
Department and six others

....Respondents

DATE OF ORDER: 05.12.2016



HON'BLE SRI JUSTICE P. NAVEEN RAO**WRIT PETITION NO. 28742 OF 2016****ORDER:**

This Writ Petition is filed praying to grant the following relief:

“For the reasons stated in the accompanying affidavit, it is hereby prayed 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 action of the respondents 2 to 4 in allowing the unauthorized constructions made by the 5 to 7 respondents herein constructing in deviation and violation to the approved plan issued in BA No. 72/G1/2015, dated 14.12.2015 for proposed construction of Cellar + Stilt + Ground Floor + 4 Upper Floor Residential Apartment Building in Door No. 12-153, Plot No. 4, Sullurpet Municipality, Sullurpet Mandal, Nellore District in an extent of 1573.81 Sq. Yards as illegal, arbitrary and contrary to the provisions of the A.P. Municipalities Act, 1965, A.P. Building Rules, 2012 and AP Apartments (Promotion of Construction and Ownership) Act and Rules, 1987 and consequently direct the respondents 2 to 4 to demolish unauthorized structures raised by the 5th respondent herein constructed in contravention of the approved plan dated 14.12.2015 duly taking into consideration of the representation dated 5.8.2016 submitted by the petitioner herein and to pass such other order or orders as this Hon'ble Court may deems fit and proper in the circumstances of the case.”

When this Writ Petition was heard, Government Pleader for Municipal Administration (AP) appearing for R1, Sri Md. Saleem, learned Standing Counsel for Municipality appearing for respondents 2 & 3 and learned counsel appearing for respondent No.6, by placing reliance on the order of this Court dated 10.11.2016 in W.P.No. 33433 of 2016, contended that this Writ Petition is not maintainable as the petitioner is in no way concerned with the subject property who is not even a neighbour of subject property.

In Writ Petition No. 33433 of 2016 this Court held:

“Admittedly petitioner is not a neighbor and by virtue of the said construction, no personal right of the petition is affected. If according to petition the illegal construction is made on Government property, as a public spirited person, more so, being a former counselor it is open to the petitioner to assail the inaction on the part of the Government as well as the Municipal Corporation in protecting the property of the Government by initiating Public Interest Litigation and agitate on behalf of the public at large. Since no individual right of the petitioner is affected by virtue of the alleged illegal construction and in the absence of the owner of the property being made a party, no direction as sought for can be granted in this writ petition.”

Learned Senior Counsel having gone through the order of this Court fairly submits that the issue raised in this Writ Petition is squarely covered by the said decision and he only seeks leave of the Court to avail appropriate remedy, if so advised, by instituting a petition in the form of ‘Public Interest Litigation (PIL)’ as illegal construction is being made by respondents 5 to 7 or persons like them in Sullurpet.

Granting the liberty as sought for, this Writ Petition is dismissed. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, pending if any, shall stand closed.

P. NAVEEN RAO, J

Date: 05.12.2016
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