

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.39208 OF 2016

DATED : 15.11.2016

Between :

Manchala Madappa S/o.Manchala Sannappa,
Aged about 71 yrs, Weaver, D.No.6-208,
Car Street, Yemmiganur-518 360 (A.P),
Kurnool District.

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Petitioner

And

State of Andhra Pradesh,
Rep., by the Principal Secretary,
Municipal Administration & Urban Development Department,
Secretariat, Hyderabad-500 022 & others.

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Respondents



This court made the following :

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ORDER :

Alleging that the 4th respondent is indulging in illegal construction and erecting a door facing the property of the petitioner, this writ petition is filed.

2. The averments in the writ petition would go to show that petitioner apprehended erection of the door facing the property of the petitioner and alleges that such action is illegal and prays for direction to the respondent-Municipality to prevent the 4th respondent from undertaking erection of door facing the property of the petitioner.

3. It appears from the averments in the affidavit filed in support of the writ petition, no such door is erected by the 4th respondent. Petitioner wants pre-emptive action to prevent the 4th respondent. No such direction can be given to the Municipality to act even before the alleged illegality is committed by a person.

4. However, learned Standing counsel would submit that building permission was obtained by the 4th respondent. If that is so, the Municipality cannot stop the 4th respondent from construction, once permission is already granted. If the petitioner has any subsisting grievance against the 4th respondent or any rival claim over the property, he has to work out his remedies as available in law. The writ petition is misconceived and is liable to be dismissed.

5. Accordingly, the Writ Petition is dismissed leaving it open to the petitioner to work out his remedies. There shall be no order as to costs.

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

P.NAVEEN RAO,J

15th November, 2016
Rds

