

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.22594 OF 2017

ORDER:

This writ petition is filed seeking to issue a writ of mandamus to declare the action of respondents 3 and 4 in not taking any action on the representations, dated 06.02.2016 and 16.10.2016, as illegal and arbitrary and consequently, direct respondents 3 and 4 to consider the representations of the petitioner.

The petitioner is the welfare Association of Sowbhagya Residency Flat Owners, Yelamanchili. The 5th respondent is the developer and he shall complete the construction of residential complex comprising of 72 residential flats with cellar+stilt+ground+5 upper floors, as per the approved plan of the 3rd respondent –Yelamanchili Municipality issued by VUDA, Visakhapatnam. But, the 5th respondent has started construction of a wall in the stilt area as well as in Flat No.108 and converted the said flat and also Flat Nos.107 into commercial purpose and issued the said flats to respondents 6 and 7 for running a pathological lab and a commercial bank. Therefore, the petitioner made a representation to the 3rd respondent on 06.02.2016 requesting to take necessary action against the 5th respondent for converting the residential flats into commercial purpose and also for deviating the sanctioned plan. But, no action has been taken by the 3rd respondent.

Heard and perused the material available on record.

Considering the circumstances of the case and the grievance of the petitioner, without expressing any opinion on merits, this Court is inclined to pass the following order:

“The 3rd respondent is directed to consider representation, dated 06.02.2016, made by the petitioner, and take appropriate action in accordance with law regarding the alleged unauthorized constructions, within a period of eight (8) weeks from the date of receipt of a copy of this order.”

With the above direction, the Writ Petition is disposed of. No order as to costs. As a sequel, miscellaneous petitions pending, if any, shall stand closed.

July 10, 2017
KTL

RAJA ELANGO, J

