

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 14839 OF 2017

ORDER :

This Writ Petition has been filed to direct the 2nd respondent Nellore Municipal Corporation to consider the representation dated 15.04.2017 to stop the illegal demolition and raising constructions by Respondents 3 to 5 on the Southern side of the petitioner's property bearing Municipal Door No. 441, Ward No. 30, Panatulavari Street, Murthamvari Street, Nellore.

The grievance of the petitioner is that he is the neighbour of Respondents 3 to 5, who have demolished their old house and proposing to construct a new one. In the process of demolition, Respondents 3 to 5 have damaged the petitioner's house property. As a matter of fact, the petitioner has been contemplating to take civil action against the unofficial respondents for recovery of damages. The grievance of the petitioner is that Respondents 3 to 5 may approach the 2nd respondent Municipal authorities seeking grant of permission for construction of a new house. In those circumstances, the petitioner prays that the respondent authorities may be directed to ensure that no further damage is caused to his property.

Learned Standing Counsel for the 2nd respondent Corporation submits that the Application, if any of Respondents 3 to 5 with respect to the building permission would be considered in accordance with law. As there are certain norms prescribed for grant of building permission, necessary care would be taken by the 2nd respondent to ensure that the same would be followed while granting building permission. The learned Standing Counsel

therefore, seeks dismissal of this Writ Petition on the ground that the petitioner has approached this Court on mere apprehension.

Having considered the respective submissions and there being no dispute that Respondents 3 to 5 are yet to be granted permission, the 2nd respondent is directed to grant the permission in favour of Respondents 3 to 5 strictly in accordance with the norms laid down in the notified building rules. In the process of construction, if any deviations are made by Respondents 3 to 5 which are likely to affect the petitioner, he shall be at liberty to complain the same to the 2nd respondent apart from approaching the civil Court for asserting his civil rights.

The Writ Petition is accordingly, disposed of. No costs.

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

CHALLA KODANDA RAM, J

25th April 2017

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