

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.13305 of 2017

ORDER:

This Writ Petition is filed under Article 226 of the Constitution of India seeking to declare the action of respondents 2 to 4 in not taking action on the petitioner's representation, dated 12.07.2016, 22.03.2017 & 03.04.2017, against the 5th respondent in proceeding with the construction activities adjacent D.No.38-8-8, road leading to Madhavadhara VUDA Colony and NGOs Colony without following the procedure as contemplated under the Greater Hyderabad Municipal Corporation Act, as arbitrary and illegal and contrary to law against the provisions of Municipal Corporation Act and Rules and further direct respondents 2 and 3 not to allow the 5th respondent to proceed with the construction activity in his plot.

2. Heard both sides and perused the material available on record.

3. The case of the petitioner is that the petitioner is the absolute owner of the property in house bearing D.No.39-8-8, situated at Murali Nagar, Sector-8, Visakhapatnam. It is further submitted that the 5th respondent, without obtaining necessary permission from the 2nd respondent, is proceeding with the structures, more particularly, he raised pillars adjacent to compound wall without leaving any setback. The grievance of the petitioner is that the petitioner made representations on 12.07.2016, 22.03.2017 & 03.04.2017, to the 2nd respondent, but so far no action is taken by the 2nd respondent.

4. When the matter is taken up for hearing, it is informed by the learned Standing Counsel appearing for respondents 2 & 3 that the permission of the 5th respondent is already regularised and some deviations made by the 5th respondent were also demolished.

5. 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 2nd respondent is directed to consider the representations made by the petitioner, dated 12.07.2016, 22.03.2017 & 03.04.2017, and take appropriate action, in accordance with law, regarding the unauthorized constructions alleged to have been made by the 5th respondent.

6. With the above direction, the Writ Petition is disposed of. No costs. Consequently, Miscellaneous petitions pending, if any, shall stand closed.

RAJA ELANGO,J

Date: 13th June, 2017

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