

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.23749 of 2017

ORDER:

This Writ Petition is filed by the petitioners under Article 226 of the Constitution of India seeking to declare the action of respondents 1 to 3 in failing to consider and respond to the representation, dated 27.06.2017, submitted by the petitioners complaining violation of sanctioned layout by the 4th respondent as being illegal, arbitrary, unconstitutional and in violation of Sections 15, 20 and 20A of the A.P. Urban Areas Development Act, 1975, and consequently direct respondents 1 to 3 to act upon the representation, dated 27.06.2017, submitted by the petitioners and consequently take necessary action against the 4th respondent as mandated by the A.P. Urban Areas Development Act, 1975, and accordingly direct respondents 1 to 3 to demolish the illegal permanent structures raised by the 4th respondent and the 4th respondent to follow the sanctioned project layout plan vide proceedings No.012151/LRS/P18/H/10, dated 26.03.2012, in letter and spirit.

2. Heard learned counsel for both the parties and perused the material available on record. With the consent of the learned counsel for both the parties, the writ petition is taken up for disposal at the stage of admission.

3. The case of the petitioners is that the petitioners are the lawful possessors and owners of the plots/villas B17, B18 and B15 respectively in Survey Nos.122, 127, 129, 130, 132,

133, 134/P, 135 to 139, Mancheruvula (Village), Rajendra Nagar (Mandal), Hyderabad and that at the time of purchasing the said villas, it was represented to the petitioners by the 4th respondent developer vide brochure, LRS, draft sale deed and registration documents that the internal roads shall be 40 feet wide for better spacious living with impetus on reduced pollution levels and better environmental living and the area opposite to B26 – B20 is an open space. It is further case of the petitioners that by violating the representation made to the petitioners, the 4th respondent constructed three villas in the open space and is attempting to sell the same in the name as B28, B29 and B30 and violated the original sanctioned layout plan.

4. The main grievance of the petitioner is that the petitioners made a representation to respondents 1 to 3 on 27.06.2017 stating that the 4th respondent has violated the original sanctioned layout plan by raising permanent structures in the open space and that the 4th respondent is attempting to create third parties over the said three plots. In spite of the said representation, but so far, the respondents 1 to 3 are not taking any action on the 4th respondent and the same is pending.

5. Considering the circumstances of the case and the grievance of the petitioners, without expressing any opinion on merits, this Court is of the view that the writ petition can be disposed of with the following direction:

Respondents 1 to 3 are directed to consider the representation made by the petitioners, dated 27.06.2017,

regarding the unauthorized constructions alleged to have been made by the 4th respondent and pass appropriate orders, in accordance with law, as expeditiously as possible, more preferably within a period of eight (8) weeks from the date of receipt of a copy of this order.

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: 19th July, 2017

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204**THE HONOURABLE SRI JUSTICE RAJA ELANGO****WRIT PETITION No.23749 of 2017**Date: 19th July, 2017

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