

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.29314 of 2017

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner seeking the following relief:

“For the reasons stated in the accompanying affidavit, it is prayed that this Hon’ble High Court may be pleased to issue an appropriate a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the inaction of the respondents in takings steps to remove the illegal and unauthorized construction undertaken by the respondents 5 to 10,

i) in the vacant land belongs to Government situated beside Plot No.138 on the western side,

ii) and blocking 10 feet road passed through between Plot Nos.128, 129, 137, 136 and

iii) in the open plot between the Petitioner's Plot No.127 and 140 situated in Sy.Nos. 180, 111 & 112/1 of Chinagadila, Visakhapatnam Rural, Visakhapatnam District inspite of making representation as illegal, arbitrary and violative of provisions of Municipal Corporation of Hyderabad Act and consequently direct the respondents to remove the said illegal and unauthorized construction and restore the 10 feet road by removing the obstructions and to pass such other order or orders as this Hon’ble Court may deem fit and proper.”

(Reproduced verbatim)

2. I have heard the submissions of Sri *T.V.S. Kumar*, learned counsel appearing for the petitioner, learned Government Pleader for Municipal Administration and Urban Development appearing for the 1st respondent, learned Government Pleader for Revenue appearing for respondents 2 & 4, Sri *S. Laxmi Narayana Reddy*, learned Standing Counsel appearing for the 3rd respondent and of

Smt. A. Varalakshmi, learned counsel for respondents 5 to 10. I have perused the material record.

3. The submission and grievance of the writ petitioner is that despite several representations, dated 25.05.2017, 09.06.2017 (12.06.2017) and subsequent representations complaining that the unofficial respondents 5 and 6 are highhandedly making constructions on a 10 feet road leading from West to East between Plot Nos.128, 129, 136, 137 and Plot Nos.138 and 139 and that the respondents 5 and 6 are blocking the 10 feet road passing between the Plot Nos.128, 129, etc., and making constructions, no action is being taken by the respondents 1 to 3. Learned counsel for the petitioner submits that a 10 feet road is in existence as per approved layout.

4. However, learned Standing Counsel appearing for the 3rd respondent would first point out that the unofficial respondents are not the owners of the plots, but they are the builders of the Plot Nos.126 and 137; he would next submit that there is no road, much less a 10 feet road between Plot Nos.126 and 127 and that based on verification, action is likely to be taken as regards granting of approval or otherwise for making constructions in the said Plot Nos.126 and 137 and, therefore, the claim in the writ petition that there is a road of 10 feet is incorrect.

5. Recording the submissions, the Writ Petition is disposed of directing the 3rd respondent authority to consider and dispose of the afore-stated representations of the petitioner in strict accordance with procedure established by law, however, within a period of three (03) weeks from the date of receipt of a copy of this

order and communicate the decision taken thereon to the petitioner within a week thereafter.

There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE M. SEETHARAMA MURTI

Date: 20th November, 2017

Note: Issue C.C. in three (03) days.

(B/o.)
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