

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 4277 OF 2017

ORDER :

This Writ Petition is filed alleging that the 3rd respondent is proceeding with the illegal constructions in Plot Nos. 7 & 8 in R.S.No. 77/1 situated at A.S. Raju Nagar, Bhimavaram, West Godavari District, Andhra Pradesh without obtaining permission from the 2nd respondent Municipality. It is also the case of the petitioner that she filed O.S. No. 193 of 2016 on the file of the Senior Civil Judge's Court at Bhimavaram seeking declaration and recovery of possession of a portion of the land, which, according to her, was encroached by the 3rd respondent.

Learned counsel for the petitioner contends that the 3rd respondent is making constructions without leaving any setbacks.

On the other hand, learned Standing counsel for the 2nd respondent Municipality, on instructions, submits that permission has been granted to the 3rd respondent for carrying on the construction, *vide* file No. 1074/0142/B/BMC/2016, in December 2016 itself.

In view of the submission made by the learned Standing Counsel that permission has already been granted to the 3rd respondent, the ground on which the petitioner filed this Writ Petition does not exist. In the facts of the present case, since the construction is at the foundation stage only, the 2nd respondent authorities shall ensure that the 3rd respondent carries on the work strictly in accordance with the sanctioned plan. It is however, left open to the petitioner to make a complaint if the 3rd

respondent makes the constructions in deviation to the sanctioned plan.

With this, the Writ Petition stands closed. No costs.

Consequently, the miscellaneous Applications, if any shall also stand closed.

CHALLA KODANDA RAM, J

08th February 2017

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