

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION Nos.11197 & 6035 OF 2017

COMMON ORDER:

W.P.No.11197 of 2017 is filed under Article 226 of the Constitution of India seeking the following relief:-

“to issue writ order or direction especially one in the Nature of Writ of Mandamus declaring the action of the 3rd respondent in not taking any action against the construction of the 4th respondent on Plot No.33 in Sy.No.322, 323, 354 and 360, admeasuring 98 sq. yards, situated at Hanuman Nagar, Kushaiguda, Kapra Circle, Keesara, Ranga Reddy District who is making construction by encroaching on the existing 20 ft. road at both sides i.e. southern and eastern side without leaving any setbacks and in total deviation of sanction plan as illegal, arbitrary and violative of Article 14 and 21 of the Constitution of India and consequently direct the 3rd respondent to take action on the complaint dt.18.03.2017 made by the petitioner against illegal construction of the 4th respondent on Plot No.33 in Sy.No.322, 323, 354 and 360, admeasuring 98 sq. yards, situated at Hanuman Nagar, Kushaiguda, Kapra Circle, Keesara, Ranga Reddy District.”

2. W.P.No.6035 of 2017 is filed under Article 226 of the Constitution of India seeking the following relief:-

“to issue a Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the respondents in not preventing the 4th respondent herein from making constructions contrary to the sanctioned plan without leaving any setbacks by encroaching on the existing 20 feet road as being illegal, arbitrary and contrary to the rules and regulations in force and violative of Article 14 and 21 of the Constitution of

India and consequently to direct the respondents to act in accordance with law and see that the 4th respondent constructs as per sanctioned plan by duly leaving the setbacks and encroachments on road.”

3. Since the parties and the issue involved in both the writ petitions are one and the same, they are being heard and disposed of by way of this common order.

4. The main grievance of the petitioners in both the writ petitions is that respondent No.4 in both the writ petitions is making illegal constructions in the subject property in deviation to the sanctioned plans by encroaching the existing 20 feet road without leaving any setbacks.

5. Learned counsel for the petitioners in both the writ petitions stated that the petitioners are not making illegal constructions in the subject property by encroaching the existing 20 feet road and they are making constructions after obtaining valid permissions from the respondent Corporation and that if there are any deviations to the sanctioned plans or if there are any encroachments by the petitioners, the official respondents can take action on the petitioners and the petitioners are ready to cooperate with the official respondents.

6. Recording the submission of the learned counsel for the petitioners in both the writ petitions, the official respondents are hereby directed to verify the constructions made by the petitioners in both the writ petitions and take appropriate action in accordance with law if the constructions are illegal in nature or

made without obtaining valid permission from the respondent Corporation or if there are any deviations to the sanctioned plans.

7. Accordingly, both the Writ Petitions are disposed of. There shall be no order as to costs.

8. Miscellaneous Petitions, if any, pending in these Writ Petitions shall stand closed.

JUSTICE RAJA ELANGO

Date: 14.07.2017
AMD



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AMD