

THE HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.10802 OF 2017

ORDER:

This writ petition is filed seeking to issue a writ of mandamus to declare the action of the respondents 2 and 3 in not stopping and demolishing the illegal and unauthorized construction being made by the 4th respondent in House bearing D.No.44-23-30, T.S Nos.197 & 198, situated at Railway New Colony, Dondaparthi, Visakhapatnam by violating the sanctioned plan as illegal and arbitrary, and consequently, direct the respondents to demolish the structures/ constructions illegally made by the 4th respondent.

The case of the petitioner is that he is the absolute owner of RCC slabbed house bearing D.No.44-23-29, covered by TS Nos.197 & 198 situated at Railway New Colony Dondaparthi, Visakhapatnam having acquired the same through a registered gift settlement deed, dated 22.09.2004. While so, the 4th respondent, who is the neighbour of the petitioner, has demolished his house and proceeding with the constructions by encroaching into the common lane as well as the common well illegally and high-handedly with a view to make wrongful gain. Therefore, the petitioner made a representation on 18.03.2017 to the respondents 2 and 3, but no action has been initiated by the respondents 2 and 3 to stop the illegal construction of the 4th respondent.

Considering the nature of the grievance of the petitioner, the respondents 2 and 3 are directed to act upon the representation, dated 18.03.2017, made by the petitioner and if the allegations made by the petitioner are true, necessary action shall be initiated against the 4th respondent.

Subject to the above, the writ petition is disposed of. No order as to costs. Miscellaneous petitions, pending if any, shall stand closed.

CHALLA KODANDA RAM, J

March 27, 2017

Note:
Furnish CC forthwith.
B/o. KTL

