

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.16983 OF 2017

ORDER:

This writ petition is filed seeking to issue a writ of mandamus to declare the action of the 2nd respondent in not taking action in pursuance of the complaint I.D. No.WC3459, dated 31.03.2017, for illegal and unauthorized construction of the 3rd respondent at western side of House bearing No.17-9/ C, Visakha Gynic Hospital Road, Pendurty, as illegal and arbitrary, and consequently, direct the 2nd respondent to take appropriate action on the illegal construction being made by the 3rd respondent.

Heard and perused the material available on record.

The case of the petitioner is that the 3rd respondent has acquired plot on the western side of the house bearing No.17-9/ 3, Visakha Gynic Hospital Road, Pendurty and without obtaining any due permission from the 2nd respondent, the 3rd respondent started construction and that the petitioner has approached the 2nd respondent on several times to take appropriate action on the illegal and unauthorized construction of the 3rd respondent. Since there is no action from the side of the 2nd respondent, the petitioner filed complaint vide No.WC3459, dated 31.03.2017, before the 2nd respondent but, as on today, the 2nd respondent did not take any action on the said complaint. However, learned counsel for the petitioner could not able to substantiate the fact as to whether the construction made by 3rd respondent is illegal or not since the petitioner is not aware of any sanctioned plan in favour of the 3rd respondent.

Considering the nature of the grievance of the petitioner, it is directed that if there is no sanctioned permission to the 3rd respondent for making the construction, it is directed that the 2nd respondent shall take into consideration the complaint lodged by the petitioner, while granting permission to the 3rd respondent for making construction.

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

RAJA ELANGO, J

June 02, 2017

KTL

