

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.17935 OF 2017

ORDER:

This writ petition is filed under Article 226 of the Constitution of India by the petitioner seeking to declare inaction of respondents 2 and 3 herein, in not initiating the action nor considering the complaints, dated 24.04.2017 and 05.05.2017, of the petitioner herein seeking to cancel the building permission granted by the 3rd respondent, dated 04.01.2017, vide Permit No.1074/10142/BMC/JPRD/2016 in favour of 4th respondent by the 3rd respondent, as contrary to the provisions of AP Municipalities Act, 1965 as illegal, arbitrary and unconstitutional and consequently direct respondents 2 and 3 herein to cancel the said proceedings.

2. Heard and perused the material available on record.

3. It is the case of the petitioner that he is the owner of property in Plot No.6, admeasuring 396 square yards in R.S.No.77/1 at A.S. Raju Nagar, Bhimavaram, West Godavari District. While so, the 4th respondent had encroached into the petitioner's plot to an extent of 230.4 square feet and constructed compound wall on the petitioner's eastern boundary without any permission. The petitioner made representation, 24.04.2017, before the 2nd respondent, but no action has been taken so far.

4. Considering the circumstances of the case and the grievance of the petitioner, without expressing any opinion on merits, this Court is inclined to pass the following order:

“The 2nd respondent is directed to consider the representation, dated 24.04.2017, made by the petitioner, if any, and take appropriate action, in accordance with law, regarding the unauthorized constructions alleged to have been made by the 4th respondent.”

5. With the above direction, the Writ Petition is disposed of. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE RAJA ELANGO

Dated: 6th June, 2017

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