

**THE HONOURABLE SRI JUSTICE RAJA ELANGO**

**WRIT PETITION No.23367 of 2017**

**ORDER:**

This writ petition is filed by the petitioner, under Article 226 of the Constitution of India, seeking to declare the inaction of respondents 1 & 2 in demolition of illegal structures made by respondents 3 & 4 on the complaint, dated 24.07.2015, as illegal and arbitrary and violative of mandatory provisions of Vijayawada Municipal Corporation Act and violative of Article 300-A of the Constitution of India and consequently direct the respondents to remove the unauthorized structures forthwith.

2. Heard the learned counsel for both the parties and perused the material available on record. With the consent of the learned counsel for both the parties, the writ petition is taken up for disposal at the stage of admission.

3. The case of the petitioner is that the petitioner is the absolute owner and possessor of the property of an extent of 266 3/9 square yards, situated in Giripuram, Mogalarajpuram, Vijayawada City and Mandal, Krishna District Revenue Ward Nos.9 & 11, NTS Nos.804/2 and 32/A-1B, Block Nos.19 and 2 having purchased the same under registered document bearing No.2701/1983, dated 16.04.1983, for valuable consideration from one Gopala Krishna Murthy, S/o. Kanthaiah. Respondents 3 & 4 have grabbed the land and thereby the petitioner got filed L.G.O.P.No.298 of 2013, on the file of the Principal District Judge, Krishna-cum-A.P. Land Grabbing (Prohibition) Tribunal at

Machilipatnam under Sections 7A and 8 of the A.P. Land Grabbing (Prohibition) Act, 1982, and that the said application was allowed *ex parte* on 10.04.2015 and the application in I.A.No.230 of 2015 filed by the 4<sup>th</sup> respondent was pending for hearing to set aside the *ex parte* order, dated 10.04.2015. The petitioner filed a complaint, dated 24.07.2015, to the 2<sup>nd</sup> respondent against respondents 3 & 4 calling upon the 2<sup>nd</sup> respondent to stop the illegal construction by respondents 3 & 4 in the petitioner's property, but till now, the 2<sup>nd</sup> respondent has neither taken any action on respondents 3 & 4 nor passed any appropriate orders on the said complaint, dated 24.07.2015.

4. When the matter is taken up for hearing, learned counsel for the petitioner submitted that when the petitioner filed W.P.No.24456 of 2015 before this Court, this Court disposed of the said W.P. by order, dated 06.08.2015, by observing that the issue of encroachments is pending consideration before the Land Grabbing Tribunal and unless and until the issue is resolved, that cannot be a ground for setting aside the building permission granted. Learned counsel further submitted that the L.G.O.P.No.298 of 2013 filed by the petitioner was allowed by order, dated 01.06.2017, by declaring that respondents 3 & 4 are the land grabbers and three months time was granted for them to vacate the premises.

5. Recording the said submissions of the learned counsel for the petitioner, the Writ Petition is disposed of directing the 2<sup>nd</sup> respondent to consider the complaint, dated 24.07.2015, said to

have been submitted by the petitioner and pass appropriate orders, as expeditiously as possible, in accordance with law. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

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**RAJA ELANGO, J**

Date: 14<sup>th</sup> July, 2017

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