

HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 4529 of 2017

ORDER:

The inaction of respondent Nos.1 and 2, in preventing illegal construction of commercial building situated in Door No.3-157-A, Ward No.3, Block No.3, Gollapalle Road, Madanapalle, Chittoor District, by respondent No.3, is questioned in this Writ Petition as being illegal and arbitrary.

It is the case of the petitioner that he obtained a decree in O.S.No.61 of 1991 on the file of Senior Civil Judge, Madanapalle, in respect of D.No.3/158 situated in Sy.No.389, Gollapalle road, Madanapalle Mandal, Chittoor District, as against Sri Nakka Nanda Gopal, Smt Maduri Vijaya Lakshmi and Nakka Indresh. Respondent No.3 filed claim petition before the Executing Court, and the same is still pending. Notwithstanding the same, respondent No.3, without obtaining any permission, and to defeat the decree obtained by the petitioner, is making construction. When the petitioner's brother approached the authorities, under the Right to Information Act, seeking information with respect to permission granted in favour of respondent No.3, the public information officer of respondent No.2, by endorsement dated 23.01.2017, had provided information to the effect that permission was granted for construction of

cellar and first floor and no sanction was accorded for construction of second floor. In spite of the same, respondent No.3 is proceeding with construction and the same is evident from the photographs filed before this Court. Bringing all these facts to the notice of respondent No.2, the petitioner asserts that complaint was lodged on 24.01.2017, and no action has been taken by respondent Nos.1 and 2.

Sri Md Saleem, learned Standing Counsel appearing for respondent Nos.1 and 2, submits that, on account of civil disputes, the petitioner approached this Court, and the appropriate remedy is to approach Civil Court. He would further submit that, since respondent No.3 is a private party, notice be issued to him.

Having considered the respective submissions, the argument, of the learned counsel for respondent No.2, does not commend acceptance, that the Writ Petition is to be rejected on the ground that civil disputes are pending between petitioner and respondent No.3. The complaint of the petitioner, in the present Writ Petition, is confined to unauthorized constructions that are being made by respondent No.3. There is a duty cast on respondent No.2 to ensure that constructions being made within the territory are in conformity with the sanction plans as the violations of this nature would put pressure on civil

communities. If unauthorized, illegal and unregulated constructions are permitted, over a period of time, the entire civil amenities which were planned for a limited population would get disturbed resulting in chaos in Society. In the circumstances, respondent No.2 shall take into consideration the complaint made by the petitioner and, if the allegations are found to be true, shall take immediate steps by following due process of law, in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. As the direction is being issued to respondent No.2 to take action, in accordance with law, taking into consideration the allegations made by petitioner, this Court does not consider it necessary to issue notice to respondent No.3.

The Writ Petition is, accordingly, disposed of.

Miscellaneous petitions pending, if any, shall stand dismissed. No order as to costs.

JUSTICE CHALLA KODANDA RAM

Date: 10.02.2017
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