

THE HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

WRIT PETITION No.14343 OF 2017

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed by the petitioner being aggrieved of the inaction of the second respondent in according permission for construction of a compound wall in respect of the land of an extent of Ac.0-40 cents in Survey No.242/6 of Machavaram, Machilipatnam Municipal Limits, Krishna District, inspite of the fact that application for permission was submitted, on 28.02.2017, to the second respondent-Municipality.

2. I have heard the submissions of Sri V.S.R.Anjaneyulu, learned counsel for the petitioner and of Sri Nimmagadda Venkateswarlu, learned Standing Counsel for the second respondent-Municipality.

3. The facts, as per the case of the petitioner, in a nutshell, are as follows:

In a writ petition earlier filed by the petitioner, this court directed the Commissioner, Machilipatnam Municipality, to have the land of the petitioner surveyed basing on records with the help of a surveyor and locate the land of the petitioner in R.S.No.242/6. Subsequently, the survey was conducted and the land of the petitioner was located. It was found at the time of survey that the petitioner is in possession of Ac.0-40 cents out of Ac.0-53 cents and that the remaining Ac.0-13 cents is under encroachment. In order to protect the petitioner's possession over the Ac.0-40 cents,

which is already in his possession, he has applied for permission to construct a compound wall. But, his said application is not disposed of by the second respondent Municipality. Hence, the petitioner is before this Court.

4. Learned Standing Counsel for the Municipality would submit that there is a civil litigation in respect of this property and that another writ petition is also pending and that in the present system, the application for permission has to be submitted online, but, such an application has not been submitted by the petitioner.

5. Learned counsel for the petitioner would submit that the writ petition may be disposed of giving liberty to the petitioner to submit an online application for permission for construction of compound wall in respect of the said subject property and with a direction to the second respondent-Municipality to pass appropriate orders on such application of the petitioner in strict accordance with the procedure established by law.

6. Recording the submissions, the Writ Petition is disposed of giving liberty to the petitioner to submit an online application as per procedure for permission for construction of compound wall in respect of the land admeasuring Ac.0-40 cents, that is, the subject property, and with a direction to the second respondent Municipality to consider and pass appropriate orders, on the application, if any, that may submitted by the petitioner, as expeditiously as possible in strict accordance with the procedure established by law.

Pending miscellaneous petitions, if any, shall stand closed.

There shall be no order as to costs.

JUSTICE M. SEETHARAMA MURTI

April 24, 2017
LMV

