

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.3792 OF 2017

ORDER:

The writ petition is filed questioning the action of the respondents 2 and 3 in not acting upon the representation dated 28.08.2016, in respect to the illegal constructions made by the 4th respondent without obtaining the building permission and encroaching the common/public passage and not maintaining all round set backs.

The grievance of the petitioner is that the 4th respondent has encroached into the common area and making some constructions thereby obstructing the ingress and egress of the petitioner and others. It is also the case of the petitioner that when one of the family members of the 4th respondent was making unauthorized constructions, petitioners therein approached the Municipal Corporation and also filed the Writ Petition Nos.17961 and 17885 of 2006, before this Court and on the submissions of the Municipal Authorities that necessary action would be initiated, if any unauthorized constructions are made by the unofficial respondent therein, the writ petitions were closed. But in spite of the same, the 4th respondent is making constructions without leaving set backs as required under the relevant Rules and the Bye-laws.

The learned standing counsel for the respondent-Corporation, on instructions, submits that for violations of the constructions that are being made by the 4th respondent, notices have already been issued and necessary action would be taken if ultimately the 4th respondent does not adhere to the sanctioned plan.

Inasmuch as the notices have already been issued to the 4th respondent, the complaint made by the petitioner on 28.08.2016 has already been acted upon. In those circumstances, the writ petition is disposed of with a direction to the respondents 2 and 3 to take appropriate action against the 4th respondent, within a period of eight

weeks from the date of receipt of copy of this order, if the 4th respondent is made any constructions contrary to the sanctioned plan and ensure that the 4th respondent shall make constructions strictly in accordance with the sanctioned plan. No order as to costs.

As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

CHALLA KODANDA RAM, J

Dated:07.02.2017,

Note:

Issue CC forthwith.

B/o.

Gk



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