

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.17949 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 the official Respondents in not initiating action against respondents 3 and 4 in constructing the building without any sanction and/or valid permission for constructing in deviation of sanction plan, in respect of plot bearing Nos.226, 227 and 228, comprised in Survey No.215, situated at Boduppall Village and Municipality, Ghatkesar Mandal, Ranga Reddy District, in spite of the registration of complaint No. 1736, dated 17.01.2017, as arbitrary and illegal and in violation of the provisions of the Telangana Municipalities Act, and the rules made there under and in violation of the principles of natural justice and also a consequential direction to the official respondents to ensure that construction is carried out by respondents 3 and 4 strictly in accordance with sanction plan, if any and without any deviations and also to demolish the unauthorized and illegal constructions thereon.

2. Heard the learned counsel for petitioner, learned Government Pleader for Municipal Administration & Urban Development for the 1st respondent and Sri N. Praveen Kumar, learned Standing Counsel for the 2nd respondent and with their consent, 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 plot bearing No.117, forming

part of Survey No.215, admeasuring 150 square yards, situated at Boduppal Village and Municipality, Ghatkesar Mandal, Ranga Reddy District. It is further case of the petitioner that respondents 3 and 4, who are the neighbours, own and possess Plot Nos.226, 227 and 228, comprised in Survey No.215, situated at Boduppal Village and Municipality, Ghatkesar Mandal, Ranga Reddy District, and that respondents 3 and 4 are proceeding with the construction in violation of the provisions of the Municipalities Act, and also in contravention of the sanction plan issued by the 2nd respondent and causing damage to enjoyment of the petitioner's property. When the petitioner reported the matter to the 2nd respondent, but no action was taken for a long time and hence, the petitioner lodged a written complaint, which has been assigned number as 1736, dated 17.01.2017. The petitioner made further representations, dated 16.01.2017, 15.03.2017 and 23.03.2017, as there was no response to the earlier complaint No.1736, dated 17.01.2017, and as the construction was still going on, but so far, no action is taken thereon and the same are pending.

4. When the matter is taken up, both the learned counsel agreed for disposal of the writ petition with a direction to the 2nd respondent to expeditiously dispose of the representations of the petitioner.

5. Having regard to the same, without expressing any opinion on the merits of the matter, the Writ Petition is disposed of directing the 2nd respondent to consider the complaint No.1736, dated 17.01.2017, and representations, dated 16.01.2017, 15.03.2017 and 23.03.2017, of the petitioner, pass appropriate

orders, as warranted by law, as expeditiously as possible, and communicate the decision to the petitioner. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

RAJA ELANGO,J

Date: 6th June, 2017

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