

HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

WRIT PETITION No.38274 of 2017

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed by the petitioner seeking the following relief:

“to issue any writ or direction more particularly one in the nature of Writ of Mandamus declaring the inaction of the 2nd respondent in not considering the petitioners representations dated 3-10-2017 and 7-11-2017 and not restraining the 3rd respondent in making illegal constructions without leaving set-back space in between the northern and southern sides of plot Nos. 11 and 10 with H.Nos.3-8-39/1/1/ and 3-8-35/9/F respectively situated at Fayyaz Nagar, Sadasivpet Municipality, Sangareddy District and consequently direct the 2nd respondent to remove the illegal constructions to the extent of set-back space as stated above and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

2. I have heard the submissions of the learned counsel for the petitioner and of the learned Standing Counsel appearing for the second respondent. I have perused material record.

3. The case of the petitioner, in brief, is this: 'The petitioner is the owner of the house bearing No.3-6-39/1/1 situated at Fayyaz Nagar, Sadasivpet Municipality, Sanga Reddy District, and the said house was constructed two decades back and while so, the third respondent, without obtaining any permission for construction, started making constructions and in the process, demolished two rooms having walls and tin sheet roofs in the property and thereby, caused damage to the property of the petitioner and that the third respondent encroached into his site and laid pillars and that despite the representations, dated 03.10.2017 and 07.11.2017, the second respondent is not taking any action against the third respondent and stopping the illegal constructions.'

4. Learned counsel for the petitioner submits, at the hearing, that if a direction is given to the second respondent to consider and dispose of the said representations of the petitioner, the ends of justice would be met and the grievance of the petitioner would be redressed.

5. Learned Standing Counsel appearing for the second respondent would submit that the third respondent is proceeding with the constructions without obtaining any permission from the Municipality and that a notice dated 08.11.2017 was already issued to the third respondent and that the Municipality has already initiated action against the third respondent.

6. However, the grievance of the petitioner is that the Municipality is not stopping the illegal constructions being made by the third respondent.

7. Having regard to the submissions, the writ petition is disposed of directing the second respondent to consider and dispose of the representations, dated 03.10.2017 and 07.11.2017, of the petitioner within three weeks from the date of receipt of a copy of this order and communicate the decision taken thereon to the petitioner within a week thereafter. The second respondent Municipality is further directed to stop the illegal constructions being made by the third respondent till the said exercise is completed.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

M. SEETHARAMA MURTI, J

Date: 15.11.2017

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