

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.37414 of 2017

ORDER:

The grievance of the petitioner in the writ petition is that the 2nd respondent Municipal Corporation is not preventing the 3rd respondent from making illegal and unauthorized constructions in the property bearing Plot No.18, falling part of Survey No.267, admeasuring 240 square yards, situated at Vinayaknagar, Nizamabad, within the limits of Municipal Corporation, Nizamabad.

2. I have heard the submissions of Sri *D. Madhava Rao*, learned counsel appearing for the petitioner, learned Government Pleader for Municipal Administration and Urban Development appearing for the 1st respondent and of Sri *V. Satyam Reddy*, learned Standing Counsel appearing for the 2nd respondent Municipal Corporation. Perused the material record.

3. The case of the petitioner is that she is the owner of the Plot bearing No.18, falling part of Survey No.267, admeasuring 240 square yards, situated at Vinayaknagar, Nizamabad District, having purchased the same under a regular registered Sale Deed, dated 13.02.2006, and that the 3rd respondent is making illegal and unauthorised constructions without permission from the 2nd respondent Municipal Corporation and that despite a complaint lodged by the petitioner on 25.10.2017, no action has been taken by the 2nd respondent Municipal Corporation against the 3rd respondent.

4. Learned Standing Counsel, on instructions, would submit that the 3rd respondent obtained building permission before making

constructions and that the constructions are being made in accordance with the approved building permission.

5. Recording the submissions, the Writ Petition is disposed of directing the 2nd respondent Municipal Corporation to consider and dispose of the representation, dated 25.10.2017, of the petitioner in strict accordance with the procedure established by law within a period of six (06) weeks from the date of receipt of a copy of the order and communicate the decision taken thereon to the petitioner within a week thereafter. However, this order shall not preclude the 2nd respondent Municipal Corporation from taking appropriate action against the 3rd respondent, in accordance with law, if it is noticed that any constructions are being made illegally by deviating from the approved building permission.

There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE M. SEETHARAMA MURTI

Date: 15th November, 2017

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