

THE HON' BLE SRI JUSTICE M. SEETHARAMA MURTI

Writ Petition No.38766 of 2017

ORDER:

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

“For the reasons stated in the affidavit filed in support of Writ Petition, it is prayed that this Hon'ble Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the inaction of the respondents in taking necessary steps to dispossess the petitioners and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

[Reproduced verbatim]

2. I have heard the submissions of *Ms. Santhi Sree*, learned counsel appearing for the petitioner; learned Government Pleader for Municipal Administration & Urban Development appearing for the 1st respondent; and of *Sri A.Panduranga Rao*, learned Standing Counsel appearing for the 2nd respondent. I have perused the material record.

3. The grievance of the petitioner is this: ‘One P.Kesava Rao, got constructed an apartment by name ‘Mukunda Enclave’ adjacent to her house without leaving any set backs. The said building comprises of six flats. The said constructions are illegal. Thereafter, the residents of the first floor of the apartment installed AC compressor, opposite to the bedroom, at a distance of 2 feet from the wall, in front of the doors of the house of the petitioner. The compressor of the Air Conditioner is directly emitting hot air into the bedroom. They further erected a chimney from the kitchen and put the outlet just peeping towards bedroom of the house of the petitioner. Therefore, being unable to bear with the inconvenience caused, the petitioner submitted representations, dated 23.12.2016, 14.03.2017, to the 2nd respondent; but, the

same are not being considered and disposed of. Hence, the writ petition is filed.'

4. Learned counsel for the petitioner would submit that if the representations submitted by the petitioner are considered and disposed of, the grievance of the petitioner would stand redressed.

5. Learned Standing Counsel appearing for the 2nd respondent Corporation endorses the said submissions.

6. Recording the said submissions, the writ petition is disposed of directing the 2nd respondent to consider and dispose of the aforesaid representations, dated 23.12.2016 and 14.03.2017, of the petitioner in strict accordance with the procedure established by law, after giving an opportunity of hearing to the said neighbour, however, within a period of 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.

There shall be no order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

04.12.2017
RAR

M. Seetharama Murthi, J

