

HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

WRIT PETITION No.40475 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 a writ or order or direction more in the nature of Writ of Mandamus declaring the inaction of the respondent No.2 in considering the representation dated 16.10.2017 made by petitioner and taking steps for demolition of the illegal constructions made by the 3rd respondent in Plot No.9, Survey No.1064, Thatha Nagar, Bhongir Town and Mandal, Yadadri-Bhongir District, constructed without having any construction permission from the respondent No.2, being illegal, arbitrary and violative of Articles 14 and 300-A of the Constitution of India apart from being violative of principles of natural justice and consequently direct the respondent No.2 to forthwith initiate action against the 3rd respondent in accordance with law duly considering the representation dated 16.10.2017 and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

2. The submission and complaint of the writ petitioner is this: 'Adjacent to his house bearing No.1-4-13/1, Thatha Nagar, Bhongir Town and Mandal, Yadagiri-Bhongir District, there is an open plot bearing Plot No.9 in Survey No.1064 of Thatha Nagar, Bhongir Town and Mandal, and that in the said plot, respondent No.3 is raising constructions in deviation of the building permission and that the third respondent has also occupied a portion of the land of the petitioner while making such constructions without leaving set backs and completed construction of two floors and that when the third respondent has constructed third floor, the petitioner submitted a representation, dated 27.01.2014, and also a reminder representation, dated 16.10.2017, but no action is being taken by the second respondent-Municipality and therefore, the writ petition is filed.'

3. Learned counsel for the petitioner would submit that if the afore-stated representation and reminder representation of the petitioner are considered and disposed of, the ends of justice would be met.

4. Learned Standing Counsel appearing for the second respondent-Municipality, on instructions, would submit that only two floors were constructed in the said property by the third respondent and that no third floor construction was made.

5. Recording the submissions, the writ petition is disposed of directing the second respondent-Municipal authority to consider and dispose of the representation, dated 27.01.2014, and the reminder representation, dated 16.10.2017, in strict accordance with procedure established by law, 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.

Miscellaneous petitions pending, if any, shall stand closed in the light of this final order. There shall be no order as to costs.

Date: 07.12.2017
va

M. SEETHARAMA MURTI, J

