

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.40428 of 2017

ORDER:

This writ petition is filed seeking the following relief/s:

‘....to issue an appropriate writ or direction or order, more particularly one in the nature of Writ of Mandamus declaring the inaction of the 2nd respondent in considering the representations of the petitioner dt.16.08.2017 and 18.11.2017 and for initiating action against the illegal construction made by the 3rd respondent abutting the building of the petitioner bearing No Door No.16-16-17 (old door No.10/274), situated at East Street (Gandhiji Street) Venkatagiri, SPSR Nellore District as illegal, arbitrary, unjust & in violation of Articles 14, 21, & 300-A of Constitution of India, provisions of Municipal Laws & AP Building Rules 2012 and G.O.Ms.No.168 MAB, dated 07.04.2012 and consequently to direct the 2nd respondent to prevent the 3rd respondent from making illegal construction by taking necessary legal action in accordance with law and pass such other order....’

I have heard the submissions of the learned counsel for the petitioner.

There is no representation for the 2nd respondent.

The submissions and grievance of the writ petitioner are as follows: ‘He constructed a residential building in East Street (Gandhiji Street) with old Door no.10/274 (new 16-16-17) with prior approval of the Gram Panchayat, Venkatagiri, as well as the Municipality. On the Northern side of the petitioner’s property there is a house of the 3rd respondent of measurements 22’x40’. The 3rd respondent, a week prior to 16.08.2017, demolished the old structure and is now intending to construct a commercial complex. The site of the 3rd respondent is not even sufficient to leave set backs and make any constructions; however, she is proceeding with making new constructions

without a building permit or approval/permission from the 2nd respondent municipality. Despite representations, dated 16.08.2017 and 18.11.2017 given by the petitioner for initiating legal action against the said unauthorised and illegal constructions being made by the 3rd respondent no action has been taken by the 2nd respondent. Therefore, the writ petition is filed.’

At the hearing, learned counsel for the petitioner would submit that if a direction is given to the 2nd respondent to consider and dispose of the afore-stated representations of the petitioner, the ends of justice would be met.

Recording the afore-said submissions, the Writ Petition is disposed of directing the 2nd respondent to consider and dispose of the representations, dated 16.08.2017 and 18.11.2017, of the petitioner, within four (04) weeks from the date of receipt of a copy of this order in strict accordance with the procedure established by law and communicate a copy of the decision taken thereon to the petitioner within a week thereafter. Till the said exercise is completed, the 2nd respondent is directed to stop the 3rd respondent from making any constructions without a building permit or in deviation of a building permit, if any.

There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE M. SEETHARAMA MURTI

30.11.2017
Vjl