

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.1028 OF 2018

ORDER:

This Writ Petition is filed questioning the action of the 3rd and 4th respondents in not demolishing the illegal constructions made by the 5th respondent into the petitioner's combined house property upstairs of D.No.5-35, Gannavaram Village and Mandal, East Godavari District, without obtaining any permission or sanction plan.

It is the case of the petitioner that his father has 7 sons, including himself and the 5th respondent, and one daughter and he is the absolute owner and possessor of the subject property. It is further submitted that due to their occupations, all are residing in different places, except the 5th respondent. Their father is aged about 94 years and has been suffering from ailments and he is bedridden. Taking advantage of the same and ignoring the rights of the rest of the children, the 5th respondent had illegally raised the first floor in the said house without obtaining any permission from the Grampanchayat and also without consent of the entire family members. Therefore, on 21.11.2017 he got issued a legal notice to the 5th respondent by marking a copy to the 4th respondent-P.Gannavaram Panchayat. However, no action has been taken by the 4th respondent by colluding with the 5th respondent. Therefore, he narrated all the facts to respondents 3 and 4 with a request to take action against the illegal constructions made by the 5th respondent without obtaining any permission. But, so far, no action has been taken against the same. Hence, the present Writ Petition.

Heard the learned counsel for the petitioner and the learned Government Pleader for Panchayat Raj (AP) appearing for the respondents 1 to 3.

Inasmuch as the grievance of the petitioner is for consideration and disposal of his representation/legal notice dated 21.11.2017, the Writ Petition can be disposed of, without expressing any opinion on the merits of the matter, directing the respondent authorities to consider the representation/legal notice, dated 21.11.2017 submitted by the petitioner and if the allegations made therein are found to be true, take necessary action with respect to the alleged unauthorised constructions made by the 5th respondent, in accordance with law, within a period of four weeks from the date of receipt of copy of this order.

With the above observations, the writ petition is disposed of. No order as to costs.

As a sequel to disposal of the writ petition, WP.M.Ps if any pending shall stand disposed of as infructuous.

CHALLA KODANDA RAM, J

Dated: 30.01.2018

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