

HON' BLE SRI JUSTICE Dr. B. SIVA SANKARA RAO

WRIT PETITION No.2920 of 2018

ORDER:

This Writ Petition is filed under Article 226 of the Constitution of India, seeking the following relief:

“...to issue a Writ of direction particularly one in the nature of Writ of Mandamus by declaring the inaction of the Respondents in not disposing of the Representation, dated 20.11.2017, made by the Petitioners herein to the 2nd Respondent as illegal, void abinitio and the 2nd Respondent may be directed to hear the Objections of the Petitioners, as per the Representation made by the Petitioners as to the grievance of the disputed 30 feet road and to further direct the 2nd Respondent to pass the speaking order on the representation, dated 20.11.2017, of the Petitioners and till such time not to approve the plans submitted by Atluri Jayaprada Devi and her daughters or their agents in NTS No.142, Door No.40-12-9, situated at Patamatalanka, within the limits of Vijayawada Municipal Corporation, or alternatively to direct the 2nd Respondent to make an enquiry as to the representation, dated 20.11.2017, given by the Petitioners as to the grievance of the disputed 30 feet road and to hear the Petitioners before any sanctions are granted in NTS No.142, Door No.40-12-9, situated at Patamatalanka, within the limits of Vijayawada Municipal Corporation.”

2. Heard learned counsel for the petitioners, learned Government Pleader for Municipal Administration appearing for respondent No.1 and Sri M.Balaji, learned Standing Counsel, who offers to appear for respondent No.2 from the oral instructions and perused the prayer in the writ petition with supporting affidavit.

3. Undisputedly, the representation of the petitioners dated 20.11.2017 is pending with respondent No.2 objecting to the approved plan sought by one Smt. Atluri Jayaprada Devi and her daughters or their agents for construction in NTS No.142, Door No.40-12-9, situated at Patamatalanka, within the limits of

Vijayawada Municipal Corporation. Hence, it is the duty of the respondent-authorities to consider and dispose of the said representation before the approval of the plan, when their very objection for the approval.

4. Accordingly, the Writ Petition is disposed of.

5. Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed. There shall be no order as to costs.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 01.02.2018

pab

