

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.No.698 of 2017

ORDER:

Alleging unauthorised constructions by the Respondents 5 and 6 and questioning the action on the part of the Respondent Corporation in not taking any action on the said unauthorised constructions, the present writ petition is filed.

2. According to the petitioner, he is a neighbour to Respondents 5 and 6 and it is the case of the petitioner herein that without any valid permission and without leaving any setbacks towards any of the sides, the Respondents 5 and 6 raised construction, due to which air and ventilation to the petitioner's house is badly effected. It is further stated by the learned counsel for the petitioner that despite legal notice dated 6.6.2016 got issued by the petitioner, no action has been taken by the Respondent Corporation in the direction of redressing the grievance of the petitioner.

3. On the other hand, it is submitted by the learned Standing Counsel for Respondent Corporation, so also, the learned counsel appearing for Respondents 5 and 6 that Building Regularisation Application submitted by Respondents 5 and 6 is pending consideration before the Respondent Corporation.

4. In the counter affidavit filed by Respondents 5 and 6, it is stated that in the year 2011, the Municipal Corporation granted permission for construction of ground plus first floor and when the Respondents 5 and 6 proposed to construct two more floors and approached the Municipal authorities with a request to accord permission, the Respondents 5 and 6

were informed that they can proceed with construction and permission would be granted later. It is further stated that thereafter the Respondent 5 and 6 approached the neighbours including the petitioner along with Colony Welfare Association members and expressed their intention to construct two more floors and all of them expressed no objection for the said course of action. Even according to Respondents 5 and 6, they submitted the Building Regularisation Application as long back as on 1.3.2016 and according to the learned Standing Counsel for Respondent Corporation, the said application is still pending consideration before the Respondent Corporation.

5. Having heard the learned counsel for the petitioner and taking into account the submissions made by the learned counsel for the petitioner and the Respondents, this Court deems it appropriate to dispose of the writ petition with a direction to the Respondent Corporation to pass appropriate final orders on the Building Regularisation Application said to have been submitted by Respondents 5 and 6 on 1.3.2016 in accordance with law and take further action on the complaint made by the petitioner, if it is warranted, after passing orders on the Building Regularisation Application.

6. The writ petition is accordingly disposed of. As a sequel, the miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

A.V.SESHA SAI, J

Date: 11.7.2018
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