

THE HON'BLE SRI JUSTICE P. KESHA RAO

WRIT PETITION No.139 of 2016

ORDER:

Heard the learned counsel for the petitioner and the learned Standing counsel for the 3rd respondent-Municipal Corporation as well as the counsel for the 4th respondent.

The prayer in the writ petition is as under:

“... that this Hon'ble Court may be pleased to issue a Writ, Order or direction more particularly one in the nature of “Writ of Mandamus” declaring the inaction on the part of the Respondent No.3 upon the complaints of the petitioner dt.9.11.2015 and 5.3.2015 against the illegal and unauthorized construction carried out by the respondent No.4 without leaving any setbacks and obtaining any construction permission of the grund, 1st, 2nd and 3rd floors in the premises bearing No.7-7-783, Mankammathota, Karimnagar as illegal, arbitrary, discriminatory, unconstitutional and in violation of the provisions of the Municipal Corporation Act, and consequently direct the 3rd respondent to initiate action against the respondent No.4 or their representatives or agents in the premises bearing No.7-7-783, Mankammathota, Karimnagar and demolish the same and pass such other order or orders may deem fit and proper in the circumstances of the case.”

The present writ petition is filed questioning the inaction on the part of the 3rd respondent-Corporation on the unauthorized structures that are being raised by respondent No.4.

The learned Standing Counsel appearing for the 3rd respondent-Corporation would submit that the Building Regularization Scheme application submitted by the 4th respondent was scrutinized and observed that it is not in compliance with the rules mentioned in the Building Regularization Scheme. Therefore, he was called upon to give explanation as to why Building Regularization Scheme application shall not be rejected within seven days from the date of receipt of the notice vide Memo.No.G2/281/2017 dated 23.1.2018. Pursuant to the said notice, respondent no.4 has submitted explanation and the same is pending consideration. Learned Standing counsel for the 3rd respondent-Corporation also submits that since explanation has already been submitted, the Corporation will look into the same in terms of the rules framed under the Building Regularization Scheme and pass appropriate orders, in accordance with law.

That being the position, the grievance of the petitioner in the present writ petition that his representations dated 9.11.2015 and 5.3.2015 are not being considered stands vindicated.

It is informed to this Court that the 4th respondent herein filed W.P.No.4112 of 2018 challenging the show-cause notice issued in memo dated 23.1.2018 in this Court. This Court, after hearing was pleased to pass interim order and the same is in force. Therefore, this Court is of the opinion that no further cause would survive in the writ petition, at this stage.

Accordingly, the Writ Petition is dismissed. It is needless to observe that it is open to the petitioner to raise all the grounds available to him in the above said writ petition.

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

JUSTICE P.KESHA RAO

Date: 23/04/2018

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