

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.18281 OF 2018

ORDER:

Heard learned Counsel for the petitioner, learned Government Pleader for R.1, learned Standing Counsel for R.2 and Sri Virupaksha Dattatreya Goud, learned Counsel for R.3.

The grievance of the petitioner herein is the alleged inaction on the part of the 2nd respondent-Municipal Corporation in initiating action on the complaint made by her on 16.05.2018. The petitioner herein submitted a complaint on 16.05.2018 stating that contrary to the Permit Orders, issued by the 2nd respondent-Municipal Corporation, the 3rd respondent started construction of cellar.

A counter affidavit, deposed by the Commissioner of the 2nd respondent, is filed stating that after receipt of the complaint from the petitioner herein, the Town Planning officials visited the subject site and found no cellar portion and that the Municipal Corporation informed the same vide endorsement, dated 01.06.2018, to the petitioner herein.

It is also to be noted that the 3rd respondent instituted O.S.No.282 of 2018 on the file of the Court of the Junior Civil Judge, Ananthapur, for permanent injunction against the petitioner herein showing her as the 2nd defendant in the suit. It is also evident from the record that the petitioner herein also instituted O.S.No.214 of 2018 on the file of the Court of the Senior Civil Judge, Anantapur, for declaration and mandatory injunction against the unofficial respondent herein. The said suits are pending as on today.

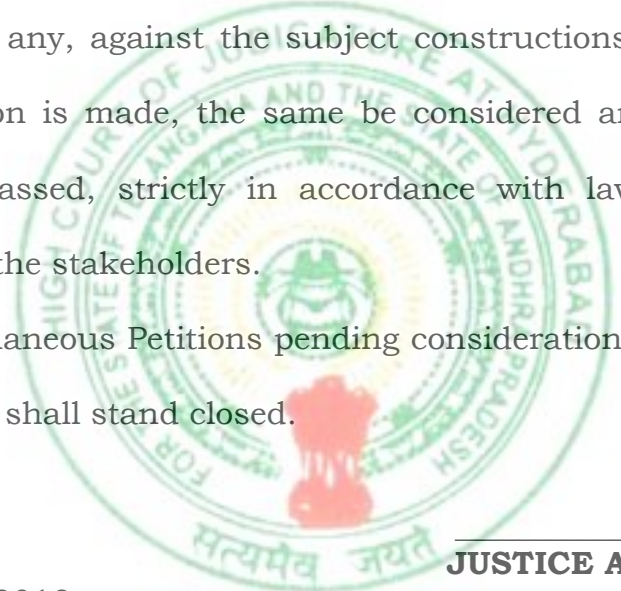
It is submitted by the learned Counsel for the petitioner that though there are deviations from the sanctioned plan, the respondent-authorities are not taking any action against the said deviations made by the 3rd respondent in the constructions.

On the other hand, it is submitted by the learned Standing Counsel that the said submission of the petitioner herein is beyond the complaint made to the Corporation on 16.05.2018.

In view of the above submissions, the Writ Petition is disposed of, keeping it open for the petitioner herein to file appropriate representation before the 2nd respondent herein for her grievance, if any, against the subject constructions. If any such representation is made, the same be considered and appropriate orders be passed, strictly in accordance with law, after giving notice to all the stakeholders.

Miscellaneous Petitions pending consideration, if any, in this Writ Petition shall stand closed.

Date :07.08.2018
Smr



JUSTICE A.V.SESHA SAI