

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.20740 of 2018

ORDER:

Heard the learned Counsel appearing for the petitioner, learned Government Pleader for respondent No.1, Sri D.Ramesh, learned Standing Counsel for R.2, Sri G.Seshadri, learned Standing Counsel for R.3 and Sri Y.Subrahmanyam, learned Counsel for the R.4 and R.5.

2. The grievance of the petitioner in the present Writ Petition is the alleged inaction on part of the respondents No.2 and 3 in acting upon the representations, dated 03.05.2016, 18.05.2018, 24.05.2018 and 23.05.2018.

3. According to the petitioner, he is the owner of the House bearing D.No.1-179, Ramadasugari Bazar, Gosala (v), Krishna District. It is further stated that one Mr.late V.Mohan Rao, father of the 4th respondent along with the 5th respondent sought permission for construction of a residential building from the 3rd respondent-Gram Panchayat and the respondents No.4 and 5 were allowed to construct Stilt floor, Ground floor, 1st and 2nd floors in R.S.Nos.37/1a and 42/2t of Gosala village, bearing premises No.1-181 of Ramadasu Street. It is further stated that respondents No.4 and 5 constructed four floors with 16 flats in deviation to the Sanctioned Plan. The petitioner herein claims to be neighbour of the said premises of respondents No.4 and 5. The complaint of the petitioner herein is that though he brought to the notice of 3rd respondent about the said illegal construction by way of the above mentioned representations, no positive action has been taken.

4. On the other hand, it is submitted by the learned Standing Counsel for R.2 that the BRS application, submitted by respondents

No.4 and 5 was rejected by the 2nd respondent vide proceedings No.31.05.2018.

5. On the other hand, it is submitted by the learned Counsel for respondents No.4 and 5 that assailing the said Order of rejection, respondents No.4 and 5 filed W.P.No.24525 of 2018 and this Court passed the following Order:-

“When the matter is taken up, the written instructions furnished by the Zonal Assistant Director, A.P.Capital Regional Development Authority, Vijayawada are placed on record by the learned Government Standing Counsel for R.2. The said instructions, to the extent of their relevance for the purpose of this writ petition, read as under:-

“Now the request of the petitioners to reopen their BPS applications are in process so that they may pay the penal amount when their applications are enable to accept the payments.”

Having regard to the above written instructions, the Writ Petition is disposed of, by placing on record the above said instructions.”

It is further submitted by the learned Counsel for R.4 and R.5 that penal amounts, as demanded, have already been paid by respondents No.4 and 5.

6. It is seriously disputed by the learned Counsel appearing for the petitioner that under the B.P.S. Scheme, the constructions made by the respondents No.4 and 5 cannot be compounded. It is the submission of the learned Counsel for R.4 and R.5 that the petitioner herein has nothing to do with the subject constructions, and it is only CRDA to take action, as per law.

7. Since the petitioner herein claims to be the neighbour of respondents No.4 and 5 and according to the petitioner, respondents No.4 and 5 made the construction in deviation to the sanctioned plan

in illegal manner and in view of the further submission of the learned Counsel appearing for the petitioner that the said illegal constructions cannot be compounded under the BPS Scheme, this Court deems it appropriate to dispose of the Writ Petition, with a direction to the respondent-AP CRDA to consider the representations, dated 03.05.2016, 18.05.2018, 24.05.2018 and 23.05.2018, said to have been submitted by the petitioner, while processing the application of the respondents No.4 and 5 under BPS Scheme and the CRDA is directed to provide personal hearing to all the stake-holders. No order as to costs.

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

Date:19.07.2018
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JUSTICE A.V.SESHA SAI

