

THE HON'BLE SRI JUSTICE P. KESHA RAO

WRIT PETITION No.3306 of 2016

ORDER:

Heard the learned counsel for the petitioner and the learned Standing counsel appearing for the 3rd respondent-Corporation.

The prayer in the writ petition is as under:

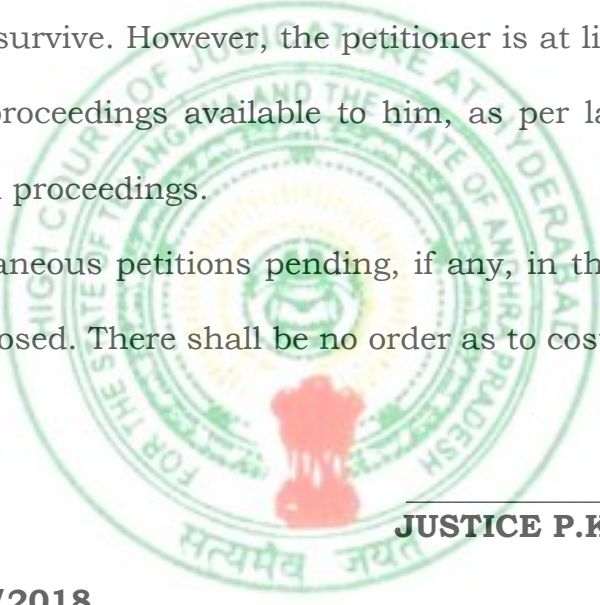
“It is prayed that this Hon’ble Court may be pleased to issue a writ or direction more particularly one in the nature of Writ of Mandamus declaring the action of the Respondents 3 and 4 in not taking action upon the complaints of the petitioner dated 24.8.2015, 11.1.2016 and 18.9.2015 with regard to the illegal/un-authorized construction carried out by the 6th respondent upon common compound wall, Kallurpalli Housing Board Colony, Nellore District as illegal, arbitrary and unconstitutional and consequently direct the respondents 3 and 4 to restrain the 6th respondent from proceeding with the illegal construction by encroaching the common compound wall between MIG 221 & MIG 220, KPHB, and to initiate action in accordance with the provisions of Municipal Corporation Act as well as Building Rules made under G.O.Ms.No.168 dated 07.04.2012 and to pass such other order or orders as this Hon’ble Court may deems fit and proper in the circumstances of the case.”

When the matter is taken up for hearing, the learned Standing counsel appearing for the 3rd respondent-Corporation, placed on record Lr.No.KLP/MISCE/EE/NLR/2015 dated 4.9.2015 addressed by the Executive Engineer, A.P. Housing Board, Nellore to Sri A.Neelakanta, MIG House No.220, APHB Colony, Kallurupalli, Nellore, to the effect that the Deputy Executive

Engineer, Nellore, inspected both MIG House Nos.220 and 221 and reported that the compound wall constructed by MIG House No.220 owner is as per the registered document and not encroached site of MIG House No.221. That apart, he also produced a copy of the regularization Proceedings No.BPS/NEL/MO/38/6884915 dated 31.7.2017 regularizing the building as per the details given in the said order. Therefore, he submits that no further cause would survive in the present writ petition.

Accordingly, the Writ Petition is dismissed as no further cause would survive. However, the petitioner is at liberty to initiate appropriate proceedings available to him, as per law, against the regularization proceedings.

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: 25/04/2018

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