

HON'BLE SMT. JUSTICE KONGARA VIJAYA LAKSHMI

WRIT PETITION No.6489 of 2013

ORDER:

This Writ Petition is filed questioning the action of the 1st respondent in not stopping the illegal and unauthorized constructions undertaken by the 2nd respondent at Door No.5-3-131/6B of Dungavari Street, Suryanagar, Amalapuram, East Godavari District and a consequential direction is sought to stop further construction.

2. A Counter Affidavit has been filed by the 1st respondent stating that basing on the complaint of the petitioner, provisional notice, dated 3.10.2012 under Section 228 (1) (2) of AP Municipalities Act, 1965 was issued to the 2nd respondent to stop the constructions and not to proceed with further constructions until and unless approval is obtained; the 2nd respondent did not submit any explanation, again, a notice dated 9.10.2012 was issued to remove the unauthorized constructions; even to the said notice, the 2nd respondent did not give any reply; there is no approved plan for the construction of the 2nd respondent. It is categorically stated that the unauthorized constructions of the 2nd respondent, appears to be correct; the 1st respondent has directed the 2nd respondent not to proceed with the constructions, as he does not have the approved plan.

3. Heard the learned counsel for the petitioner.

4. As seen from the counter affidavit filed by the 1st respondent, approved plan of the construction is not in favour of the 2nd respondent and that the 1st respondent has already intimated to the 2nd respondent not to proceed with the constructions and also issued notices under Section 228 (1) (2) of AP Municipalities Act, 1965. The Writ Petition is of the year 2013. The counter was also filed in the year 2013. If the

grievance of the petitioner is not redressed, the petitioner is at liberty to file a fresh representation before the 1st respondent and on filing such representation, if any, by the petitioner, the 1st respondent is directed to consider and take appropriate action in accordance with law after giving an opportunity to the respondent and the petitioner.

5. Accordingly, Writ Petition is disposed of. No order as to costs.

6. Miscellaneous petitions pending, if any, shall stand closed.

KONGARA VIJAYA LAKSHMI, J

Date: 13/12/2018
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