

**HON'BLE THE CHIEF JUSTICE
SRI THOTTATHIL B. RADHAKRISHNAN**

AND

HON'BLE SRI JUSTICE S.V. BHATT

WRIT APPEAL No.1981 OF 2017

JUDGMENT (ORAL): (Per Hon'ble Sri Justice S.V. Bhatt)

The appellants principally are aggrieved by the communication No.6/17 dated 29.10.2017 issued by respondent No.3 informing respondent No.4 that keeping in view the orders passed by this Court dated 16.10.2017 in W.P. No.34657 of 2017, respondent No.3 is precluded from examining and removing the encroachments, if any.

2. We have perused the record and also noted the fact that filing of the writ petition without impleading the appellants herein is certainly not legal, and disposal of the writ petition has necessitated for filing the instant writ appeal. The dispute between the parties is concerning unauthorized and illegal construction made by respondent No.1 herein. We are satisfied that these issues are examined by respondent Nos.2 and 3 in accordance with law and hence appeal can be ordered as follows:

- (a) The respondents are directed to complete the action already initiated vis-à-vis the unauthorized construction undertaken by respondent No.1 in the subject premises and complete the same within four (4) weeks from today.

(b) Respondent Nos.2, 3 and 4 are further directed to afford opportunity to the appellants as well as respondent No.1.

(c) The authorities, if come to the conclusion that respondent No.1 herein has undertaken construction either contrary to the sanctioned plan or against the building rules, are directed to remove the unauthorized and illegal construction within a further period of two (2) weeks from the date of passing the order.

3. The Writ Appeal is ordered as indicated above. There shall be no order as to costs.

As a sequel thereto, Miscellaneous Applications, if any, pending in this writ appeal stand closed.



THOTTATHIL B. RADHAKRISHNAN, CJ

S.V. BHATT, J

September 25, 2018.
PV