

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

W.P.NO.6207 OF 2019

ORDER

The case of the petitioners is that they are the neighbouring house owners of the private respondent No.5, and the said respondent is making unauthorized construction at H.No.8-2-103, Gandhinagar Sircilla, in deviation of the sanctioned plan and by encroaching the public road, and such construction is affecting their rights, and based on their representations, though the 4th respondent – Municipal Council, Sircilla, represented by its Commissioner, issued notices to the 5th respondent vide No.G1/83/MCS/D/2018 dated 27-12-2018 and No.G1/MCS/CSC/251634/2018 dated 31-12-2018, under the provisions of Telangana State Municipalities Act, 1965, no action has been taken till date. Hence the present writ petition.

Heard the learned counsel for the petitioners and Sri N.Praveen Kumar, learned Standing Counsel for respondent No.4.

A Division Bench of this court in W.P.No.20000 of 2006 dated 27-10-2006, while taking note of large number of cases, in the erstwhile State of Andhra Pradesh, where the complaint was with regard to illegal and unauthorized constructions and the inaction on the part of municipality in taking action for stopping such constructions; issued the following directions:

1. The Commissioner and/or other concerned authorities of the Municipal Corporations and Municipalities in the State of Andhra Pradesh should within a period of 15 days from the date of receipt of representation made or notice sent by any person with the complaint regarding illegal/authorized construction, invariably give a written response to the person sending representation or notice.

2. The concerned authorities of the Municipal Corporations or Municipalities shall take necessary measures/steps to ensure that no one is allowed to raise construction without obtaining the building plan sanctioned from the competent authority and no construction is made in violation of the sanctioned plan or master/zonal plan/lay out.”

In view of the allegations of the petitioner and the above directions of the Division Bench of this court, and as the 4th respondent has already issued notices during the month of December, 2018, which are referred to above, without expressing any opinion on merits, writ petition is disposed of directing the 4th respondent to take appropriate action in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

It is made clear that before taking any action on the alleged unauthorized construction of the 5th respondent, procedure prescribed under law and the principles of natural justice, shall strictly be adhered to.

Interlocutory applications pending, if any, shall stand closed. No costs.

CHALLA KODANDA RAM,J

DATE:26—03—2019

AVS