

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 16907 of 2019

ORDER:

This Writ Petition is filed seeking a *mandamus* by (i) declaring the inaction of respondents 2 and 4 in dodging to take action as per law and direct Respondents 2, 5 and 6 to pursue the matter in this regard to save the colony people and their interests as per their several representations dated 13.04.2015, 16.10.2017, 18.05.2015, 25.07.2019; (ii) direct respondent No.4 not to give any permissions or layouts in Survey Nos. 375, 376, 376/1, 387, 388, 374 and 374/1-2 of Christianpally Sivar of Mahabubnagar Municipality as well as direct him not to allow any illegal constructions in the public road without any valid permissions from him to the unofficial respondents or their individual names; and (iii) direct Respondents 3 and 7 to register the case against the unofficial respondents as per the complaint lodged by the petitioners dated 22.04.2015 and 03.03.2018 and their firm jointly or severally for cheating, grabbing the approach road and obstructing the way from and for their own venture is illegal injustice.

When the matter is taken up, it is submitted by the learned counsel for the petitioners that the issue raised in the present Writ Petition is squarely covered by the Order dated 27.10.2006 passed by the Division Bench of this Court in W.P.No.20000 of 2006.

Learned Standing Counsel for Mahabubnagar Municipality appearing for the 4th respondent does not dispute the aforesaid submission.

Relevant portion of the aforesaid Order reads as under:

“Hence, the writ petition is disposed of as infructuous with liberty to the petitioner to seek revival of the same, if final action is not taken by the municipal authorities within a reasonable time.

Needless to say that this order shall not preclude respondent No.2 from showing to the concerned authority of the municipality that the construction being raised by her is not in violation of the sanctioned plan and that she would make further construction strictly in accordance with the sanctioned plan.

While disposing of the writ petition in the manner indicated above and by taking cognizance of a large number of similar petitions which are filed before this Court with the complaint that despite representations and legal notices, the authorities of the municipality do not take action to stop illegal and unauthorized constructions, we deem it proper to issue the following general directions:

- 1) The Commissioners 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/unauthorized 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 those circumstances, this Writ Petition is also disposed of in terms of the general directions issued in the Order dated 27.10.2006 passed by the Division Bench of this Court in W.P.No.20000 of 2006. No costs.

Miscellaneous Petitions, if any pending, shall stand closed.

CHALLA KODANDA RAM, J

30th September 2019

ksld