

THE HON' BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.17324 of 2019

ORDER:

Aggrieved by inaction of respondents 1 to 3 on the representation filed by the petitioner on 04.05.2019 with regard to illegal construction made by respondents 4 to 6 in an extent of Ac.6-26 guntas in Sy.Nos.108, 118, 120 and 121 situated at Nanakramguda Village, Serilingampally Mandal, Ranga Reddy District, the present writ petition is filed.

Learned counsel for the petitioner submits that respondents 4 to 6 are making construction in the property in question without obtaining permission from the competent authority. The petitioner is one of the co-parcener and he is entitled to a share in respect of the property in question in terms of the judgment and decree dated 02.06.2006 in O.S.No.772 of 2002 passed by the V Additional Senior Civil Judge, Ranga Reddy District. Therefore, the petitioner has submitted a representation on 04.05.2019 for taking necessary action against respondents 4 to 6 with regard to illegal construction made by them in the property in question, but, so far, no action has been taken by the respondents 1 to 3.

Sri Sampath Prabhakar Reddy, the learned Standing counsel appearing for the Corporation submits that the writ petition lacks the particulars with regard to the efforts made by the petitioner to ascertain as to whether any permission was obtained by respondents 4 to 6 for such construction. Therefore, the writ petition cannot be entertained and the same is liable to be dismissed.

I have perused the affidavit filed in support of the writ petition and except stating that the petitioner is entitled to a share as per the decree and judgment dated 02.06.2006 in O.SNo.772 of 2002, there is no whisper with regard to the efforts made by the petitioner to ascertain whether respondents 4 to 6 have obtained any permission for making construction in the property in question. The photographs, which are filed by the petitioner along with the writ petition, would only disclose that massive construction is being undertaken by respondents 4 to 6 in the property in question.

In the light of the fact that the petitioner did not verify whether there was any permission obtained by respondents 4 to 6 for such construction in the property in question and considering the nature of the complaint made by the petitioner, the petitioner is given liberty to approach the Municipal Authorities by invoking the provisions of the Right to Information Act and seek necessary information with regard to the permission, if any, granted in favour of respondents 4 to 6 for construction in the property in question and thereafter approach the authorities concerned setting out his grievance, which would be considered by the authorities concerned.

With the above observations, the writ petition is disposed of.
No costs.

Miscellaneous petitions, if any pending, shall also stand dismissed.

JUSTICE CHALLA KODANDA RAM

14th August, 2019
Prv



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