

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 21334 of 2019

ORDER:

In this writ petition, the petitioner has prayed for issuance of a direction to respondent No.2-Commissioner, Municipal Commissioner, Armoor, Nizamabad District to take action in the matter of illegal construction being raised by respondent No.3 in Plot No.2, Survey Nos.78 and 70, situated at Mamidipally Village, Armoor Mandal, Nizamabad District.

Heard learned counsel for the petitioner and learned Standing Counsel for respondent No. 2.

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.

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.”

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.

Miscellaneous petitions, if any, pending in this writ petition shall also stand disposed of. There shall be no order as to costs.

CHALLA KODANDA RAM, J

Dt:26.09.2019
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The limited grievance of the petitioner in this writ petition is that respondent No.2-Narsampet Municipality is not considering the representation dated 18.09.2017 submitted by it complaining the unauthorised constructions made by respondent No.3.

Learned Standing Counsel for respondent No.2 seeks time to get instructions in the matter.

Considering the nature of grievance of the petitioner and in view of the directions issued by the Division Bench of this Court *vide* order dated 27.10.2006 in W.P.No.20000 of 2006 that such representations shall be dealt with by the Municipal Corporations and the Municipalities within a period of 15 days from the date of receipt thereof or of notice sent by any person with the complaint regarding illegal/unauthorised construction, and written response invariably be given to such person, the writ petition is disposed of

with the direction to respondent No.2 to take action on the representation of the petitioner within 15 days from the date of receipt of a copy of this order.

Miscellaneous applications, if any pending, in the Writ Petition shall also stand disposed of. No costs.

