

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 22412 of 2019

ORDER:

This Writ Petition is filed for the following relief:

“....to issue an order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 2nd and 3rd respondents in not taking action on the complaint filed by the petitioner dated 28.08.2019 complaining against the illegal construction undertaken by the 4th respondent at Plot No.140, Phase V HIG, KPHB, Kukatpally, Hyderabad, by illegally making construction stilt + 5 Floor on his plot admeasuring 317 Sq Yards without leaving any setback to the four corners of his plot by causing inconvenience to the neighbors including the petitioner as illegal, unlawful, contrary to law and consequently direct the 2nd and 3rd respondents to stop the illegal construction undertaken by the 4th respondent at the above site by duly taking cognizance of the complaint dated 28.08.2019 lodged by the petitioner.”

When the matter is taken up, it is submitted by the learned counsel for the petitioner 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 Greater Hyderabad Municipal Corporation appearing for respondent Nos.2 and 3 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, following the above said order and for the reasons recorded therein, 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, shall stand closed.

There shall be no order as to costs.

CHALLA KODANDA RAM, J

16th OCTOBER, 2019.
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