

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

WRIT PETITION No.25975 of 2019

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed seeking the following relief:

“to issue a Writ, order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents 3 and 4 in not taking any action against the 5th respondent who is proceeding illegal constructions in his open plot admeasuring 125 sq.yards which is an adjacent to south side of the petitioner house without leaving any setbacks and without obtaining any approved plan or permission for construction, by not considering the complaints of the petitioner dated 16.09.2019, 11.5.019. 11.11.2019 and 18.11.2019 by the respondents 2 to 5 as illegal arbitrary and against the principles of natural justice and is against violative of Articles 14 19 21 and 300A of Constitution of India and consequently direct the respondents 2 to 4 to stop the illegal constructions made by the 5th respondent by considering the complaints of the petitioner dated 16.09.2019 11.5.2019 11.11.2019 and 18.11.2019.”

2. Heard the learned counsel for the petitioner, Sri N.Praveen Kumar, learned Standing Counsel for respondent Nos.1 to 4 and Sri B.Vijaysen Reddy, learned counsel for the 5th respondent.

3. The grievance of the petitioner is that the 5th respondent is proceeding with the construction in subject open plot, which is adjacent to south side of the petitioner's house, without leaving any setbacks and without obtaining any approved plan. She further submitted that she also submitted representations on 16.09.2019, 11.05.2019, 11.11.2019, and 18.11.2019 before the

respondent authorities, but till date, no action has been taken on the said representations.

4. Having regard to the same, and considering the facts and circumstances of the case, the Writ Petition is disposed of directing the 5th respondent to proceed with construction in the subject open plot in accordance with the sanctioned plan. In the event of any violation in making constructions in the subject open plot, respondent Nos.1 to 4 shall initiate action against the 5th respondent in accordance with law. It is further directed that the 5th respondent shall undertake to attend the repairs or damages that would be caused to the petitioner's house in the process of proceeding with construction in the subject open plot. Further, the 5th respondent shall clear the loose soil and fill the excavated area by hard soil within a period of two (2) months from the date of receipt of a copy of this order.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

T.AMARNATH GOUD, J

18th December, 2019

YVL

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD



WRIT PETITION No.25975 of 2019

Date:18.12.2019

YVL