

THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD

WRIT PETITION No.26998 of 2019

ORDER:

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

“For the reasons stated and, in the circumstances, stated in the accompanying affidavit, the petitioner herein prays in the interest of justice that this Hon’ble Court may be pleased to issue a Writ or order or direction more particularly one in the nature of Writ of Mandamus, declaring the action of the Respondents No. 2 to 4 herein not taking action against the illegal construction made by the 5th respondent, is being illegal, arbitrary. Unreasonable contrary to law and violative of principles of natural justice, violative of Articles 14, 21 and 300-A of the Constitution of India contrary to the sanctioned plan dt 13-12-2016 and consequently direct the Respondents No. 2 to 4 herein to consider and dispose of the representation made by petitioner dt 21-3-2017 demolishing the illegal construction made by 5th respondent in respect of the Southern Part of the House bearing Municipal No. 2-1-62, situated at Gollakeri Residential Locality, Sadashivpet Municipality, Sangareddy, (Medak) District, and pass such other and further order or orders as this Hon’ble Court may deem fit and proper in the circumstances of the case.”

2. Heard Sri Koppula Gopal, learned counsel appearing for the petitioner, learned Government Pleader for Municipal Administration and Urban Development appearing for respondents 1 & 2 and Sri N.Praveen Kumar, learned standing counsel for respondents 3 & 4. Perused the material available on record.

3. The main grievance of the petitioner is that the unofficial 5th respondent is making illegal and unauthorized construction on

the southern part of the house bearing Municipal No.2-1-62, situated at Gollakeri Residential Locality, Sadashivpet Municipality, Sangareddy (Medak) District, in gross violation of the sanctioned plan and encroaching the existing 5 feet seri, which belongs to the petitioner, without obtaining any permission from the Municipality. The petitioner has submitted a representation, dated 21.03.2017, to the 3rd respondent requesting to demolish the illegal construction made by the 5th respondent, but till now no action has been taken. Hence, the present writ petition is filed.

4. Having regard to the facts and circumstances of the case, the Writ Petition is disposed of directing the 3rd respondent to summon the petitioner as well as the unofficial 5th respondent and after affording an opportunity of personal hearing to both sides and after appreciating the documentary evidence, consider the representation, dated 21.03.2017, of the petitioner and pass appropriate orders, in accordance with law. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order.

T. AMARNATH GOUD, J

Date: 17th December, 2019

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