

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

W.P.No.47920 of 2018

ORDER

This writ petition is filed seeking to declare the action of respondents 2 to 3 in not considering the petitioner's representation dated 12.12.2018 and the appeal dated 19.12.2018 for staying illegal construction of house to an extent of 100 sq. yards in Sy.No.398 of Chityal Village and Mandal, Nalgonda District, made by the 5th respondent on the road of Urmodla village from National Highway No.65, blocking the traffic, as illegal and arbitrary.

2. The allegation of the petitioner is that the 5th respondent is trying to construct the house in violation of the permission granted by the Grampanchayat on the road towards Urmodla Village from National Highway preventing free flow from the traffic. Bringing all these aspects to the notice, she made a representation to the 2nd respondent-District Collector on 12.12.2018. She also filed appeal on 19.12.2018 to the 3rd respondent- Municipal Commissioner.

3. Learned counsel for the petitioner submits that though the petitioner submitted representations, no action has been taken by the respondent authorities.

4. Learned Standing Counsel appearing for the 3rd respondent submits that there is no proof of submission of any appeal by the petitioner before the Municipal Commissioner and further, there is no provision for filing such kind of appeal and that in the absence of any

appropriate complaint, no action can be taken by the respondent authorities.

5. Having regard to the respective submissions, this Court has no other option except to accept the argument of the learned Standing Counsel for the 3rd respondent. It is well settled law, as laid down by the Supreme Court repeatedly, that unless there is legal obligation, there is no requirement of considering each and every representation made by a citizen and this Court has no obligation to order for consideration of such representation. If the petitioner has any grievance with respect to the construction being made by the 5th respondent, she has to bring the same to the notice of the appropriate authority, who alone can take action. Mere filing representation here and there does not in any way help the petitioner.

6. However, in view of the grievance of the petitioner, the Writ Petition is disposed of, giving liberty to her to make appropriate representation to the 3rd respondent, and on receipt of the same, the 3rd respondent shall consider and pass appropriate orders in accordance with law. No order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

CHALLA KODANDA RAM, J

2nd January, 2019

sj