

THE HON'BLE THE CHIEF JUSTICE SATISH CHANDRA SHARMA

AND

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT APPEAL No.287 of 2022

JUDGMENT: *(Per the Hon'ble the Chief Justice Satish Chandra Sharma)*

The present writ appeal is arising out of order dated 20.02.2022 passed in W.P.No.10348 of 2022.

The facts of the case reveal that the writ petition was preferred by respondent Nos.1 & 2 in the present writ appeal alleging that the present appellant, who is respondent No.5 in the writ petition, has encroached the parking area; unauthorizedly constructed certain rooms in the space earmarked in the layout plan, but the Khammam Municipal Corporation authorities are not taking any action in the matter even though a complaint was preferred on 31.12.2021. The learned Single Judge has disposed of the writ petition with a direction to the Khammam Municipal Corporation to take appropriate action in respect of unauthorized construction and to remove the same.

Learned counsel for the appellant has argued before this Court that no opportunity of hearing was granted to him in the matter.

The fact remains that the learned Single Judge has directed the Khammam Municipal Corporation authorities to take action in accordance with law in respect of unauthorized construction.

In the considered opinion of this Court, in case there is any unauthorized construction, respondent No.4 in the writ appeal is certainly empowered to take appropriate action in accordance with law and therefore, respondent No.4 in the writ appeal shall follow the due procedure prescribed under the law while taking action in respect of unauthorized construction, if any.

With the aforesaid, the Writ Appeal stands disposed of.

The miscellaneous applications pending, if any, shall stand closed. There shall be no order as to costs.

SATISH CHANDRA SHARMA, CJ

ABHINAND KUMAR SHAVILI, J

19.04.2022
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