

THE HON'BLE SRI JUSTICE RAVI NATH TILHARI

WRIT PETITION No.9875 of 2023

JUDGMENT:-

1. Heard Sri V.V. Satish, learned counsel for the petitioner and learned Government Pleader for Municipal Administration for the respondent No.1 and Sri G. Naresh Kumar, learned counsel, representing Sri M. Manohar Reddy, learned Standing Counsel for the respondent No.2.
2. For the order proposed to be passed issuance of notices to the unofficial respondent Nos.3 and 4 are dispensed with.
3. With the consent of the parties counsels, the writ petition is being disposed of finally at this stage.
4. This writ petition under Article 226 of the Constitution of India has been filed for the following relief:-

“For the aforesaid reasons, the petitioner prays that this Hon’ble Court may be pleased to issue any writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of respondent No.2 in not initiating action against unauthorized construction of commercial shopping mall being constructed by respondents Nos.3 and 4 in contravention to the building plan obtained for residential house is illegal, arbitrary and violation of Articles 14 and 21 of the Constitution of India and to consequently direct the respondents to revoke the building permission No.1074/0276/B/BMC/JPRD/2021,

dated 01.02.2022 and to demolish the unauthorized constructions in the premises bearing D.No. 21-15-12A in Sy.No.99/5 and 6, Ward No. 34, Bheemavaram, West Godavari District and to pass such other or further orders as this Hon'ble Court may deem fit and proper in the circumstances of the case."

5. The grievance raised in the writ petition is that the respondent Nos.3 and 4 obtained building permission on 01.02.2022 for residential G+1, but are raising construction of commercial building in violation of the building plan and also contrary to the rules, for which the petitioner has submitted the representation dated 06.04.2023 to the District Collector, West Godavari District and copy forwarded to the Municipal Commissioner, Bhimavaram. Another representation has been given to the 2nd respondent, Municipality on 11.04.2023, but till date no action has been taken. The petitioner is the immediate neighbour of the respondent Nos.3 and 4.

6. Sri G.Naresh Kumar, submits that the petitioner has given the representation to the respondent No.2 recently on 11.04.2023 and has also approached this Court with the same grievance, without giving sufficient time to the authority to consider the matter.

7. However, he submits that since the petitioner has already submitted the representation to the respondent No.2, the same shall be duly considered by the said respondent.

8. In view of the aforesaid stand taken, keeping the petition pending would serve no fruitful purpose. The same is being disposed of finally with the consent of the learned counsels for the parties with the following directions:-

The respondent No.2 shall consider the petitioner's representation dated 11.04.2023, another copy of which shall be furnished by the petitioner along with the copy of this order to the respondent No.2, in accordance with law, after affording opportunity of hearing to the petitioner as also the respondent Nos.3 and 4, within the period of four (04) weeks from the date the copy of this order is presented before the said authority.

9. The writ petition is being disposed of with the above directions.

No order as to costs.

As a sequel thereto, miscellaneous petitions, if any pending,
shall also stand closed.

RAVI NATH TILHARI,J

Date: 20.04.2023
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