

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION No.11075 of 2022

O R D E R:

This writ petition is filed questioning the action of 2nd respondent in not considering the representations dated 03.01.2022 and 25.01.2022 of the petitioner seeking intervention for stopping illegal construction by unofficial respondent into his plot bearing No.4 in survey No.1371 admeasuring 246.66sq.yards situated at Manikanta Colony, Nizamabad as illegal and arbitrary and in violation of Articles 14, 21 and 300-A of the Constitution of India.

2. Ms. A.L.Bharadwajini, learned counsel appearing on behalf of petitioner submits that the unofficial respondent who is owner of plot No.6 is attempting to encroach illegally into the subject plot of the petitioner. She submits that the petitioner has also filed a suit for injunction vide O.S.No.31 of 2022 on the file of Junior Civil Judge, Nizamabad and the same is pending. She submits that the petitioner has made representations dated 03.01.2022 and 25.01.2022 to the respondents, but no action is being taken. Hence, the petitioner is constrained to approach this Court.

3. Mr. V. Satyam Reddy, learned Standing counsel for Nizamabad Municipal Corporation appearing for respondent

No.2 submits that the representations dated 03.01.2022 and 25.01.2022 submitted by the petitioner were forwarded to the Enforcement Team, Nizamabad South Mandal on 07.01.2022 and 02.02.2022 respectively. He submits that the Enforcement Team has inspected the site and issued notice to the respondent No.3 on 26.02.2022 for submission of ownership documents and building permission copies and as per the TS-bPASS Act, the Government issued instructions empowering other than Town Planning Staff to conduct site inspections for issuing building permissions and the respondent No.3 has obtained the building permission under TS-bPASS self certification system on 22.12.2021 vide letter No.105719/NIZA/1788/2021. He submits that the respondent No.3 has commenced the construction as per the site dimensions mentioned in the registered document No.6745 of 2020 dated 18.08.2020 and the site under reference is not part of any approved layout and the respondents cannot confirm the plot dimensions and location of the petitioner.

4. The grievance of the petitioner is that the respondents

have failed to consider his representations and take action against the unofficial respondent.

5. Recording the above submissions of the learned Standing Counsel, the writ petition is disposed of directing the respondents to pass appropriate orders on the representations dated 03.01.2022 and 25.01.2022 of the petitioner within a period of (15) days from the date of receipt of copy of the order and if the petitioner is aggrieved by the said order, he is liberty to question the same before the appropriate forum. No order as to costs.

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

12th April, 2022

gvl

LALITHA KANNEGANTI, J