

IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI
(Special Original Jurisdiction)

WEDNESDAY, THE EIGHTH DAY OF JANUARY
TWO THOUSAND AND TWENTY FIVE

PRESENT

HON'BLE SMT JUSTICE V.SUJATHA

WRIT PETITION NO: 17783 OF 2014



Between:

T. Saradamma, W/o. Chinnaiah, Occ: Housewife, R/o. 27/1/1090 B, II Street,
Ramji Nagar, Childrens Park, Nellore - 524 002.

...PETITIONER

AND

1. The Government of Andhra Pradesh, Reptd. by the Principal Secretary, Municipal Department, Secretariat, Hyderabad.
2. The Municipal Commissioner, Municipal Corporation, Nellore.
3. The Sub Registrar Officer, 1, Nellore District Court Compound, Nellore.
4. G. Malyadri, S/o. Bala Subbaiah, R/o. 3/1210, Nagendra Nagar, Nawabpet, Nellore - 2.
5. Panugoti Bharathi, W/o. Audi Sessaiah, Occ: Private Teacher, R/o. 16-9-320/1A, Bhavani Nagar, Tirupathi - 517 501.
6. P. Audi Sessaiah, S/o. Not known to petitioner, C/o. Librarian, SV University Library, SVU Campus, Tirupathi, Chittoor District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India is filed praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to declare the action of the official Respondent No. 2 in not taking action on the complaint given by petitioner dated 04.05.2014 and reminder on 21.06.2014 despite receiving it wherein the petitioner

seeking action on the Builders illegal construction of the 3rd Floor and other deviations of the approved plan in the unnamed apartment being constructed by them at D.No.26/1/1920 (Near) Plot No. 64 in S.No. Plot No. 663/1 of Gomathy Nagar, Kondayapalem, Nellore deviating the building construction permission B A No.560/2011/G1 dated 2.6.2011 of the 2nd Respondent is illegal and unlawful besides being violative of Municipal rules and Article 14 and 21 of Constitution of India consequently direct the respondent No. 2 to take action as per law and demolish all the illegal constructions deviating the approved plan and also direct the unofficial respondent to adhere to the approved plan thereby ensure relief to the petitioners and award costs.

I.A. NO: 1 OF 2014(WPMP. NO: 22264 OF 2014)

Petition under Section 151 CPC is filed praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the 3rd Respondent not to register the apartments to avoid multiple litigation and to save innocent purchasers by permitting the petitioner to erect a board intimating the same at the premises of the construction at D.No. 26/1/1920 (Near) Plot No. 64 in S.No. Plot No. 663/1 of Gomathy Nagar, Kondayapalem, Nellore, pending disposal of the above writ petition.

I.A. NO: 2 OF 2014(WPMP. NO: 22265 OF 2014)

Petition under Section 151 CPC is filed praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to order for stay of all further constructions by the unofficial Respondents forthwith at D.No. 26/1/1920 (Near) Plot No. 64 in S.No. Plot No. 663/1 of Gomathy Nagar, Kondayapalem, Nellore, pending disposal of the above writ petition.

Counsel for the Petitioner: SRI D SURESH KUMAR

Counsel for the Respondent No.2: SRI A S C BOSE (SC FOR MUNICIPALITIES)

Counsel for the Respondent No.1: GP FOR MUNICIPAL ADMN AND URBAN DEV

Counsel for the Respondent Nos. 5 & 6: Ms. HARIJA AKKINENI

Counsel for the Respondent Nos. 3 & 4: ----

The Court made the following: ORDER

APHC010075592014



IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)

[3333]

WEDNESDAY, THE EIGHTH DAY OF JANUARY
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SMT JUSTICE V.SUJATHA

WRIT PETITION NO: 17783/2014

Between:

T. Saradamma, W/o. Chinnaiah

...PETITIONER

AND

The Government of Andhra Pradesh and others

...RESPONDENT(S)

Counsel for the Petitioner:

1.D SURESH KUMAR

Counsel for the Respondent(S):

1.ANCHA PANDURANGA RAO

2.GP-MUNCIPAL ADMN AND URBAN DEV(AP)

3.A S C BOSE (SC FOR MUNICIPAL CORPORATIONS AP)

4.HARIJA AKKINENI

The Court made the following:

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking the following relief:-

"....to declare the action of the official Respondent No.2 in not taking action on the complaint given by petitioner dated 4.5.2014 and reminder on 21.6.2014 despite receiving it wherein the petitioner seeking action on the Builders illegal construction of the 3rd Floor and other deviations of the approved plan in the unnamed apartment being constructed by them at D.No.26/1/1920 (Near) Plot No 64 in S.No.663/1 of Gomathy Nagar, Kondayapalem, Nellore deviating the building construction permission B.A.No.560/2011/G1 dated 2.6.2011 of the 2nd Respondent is illegal and unlawful besides being violative of Municipal rules and Article 14 and 21 of Constitution of India consequently direct the respondent No.2 to take action as per law and demolish all the illegal constructions deviating the approved plan and also direct the unofficial respondent to adhere to the approved plan thereby ensure relief to the petitioners and award costs...."

2. Heard learned counsel for the petitioner, learned Government Pleader or Municipal Administration and Urban Development, Mr.A.S.C.Bose, learned Standing Counsel for Municipal Corporation and Ms.Harija Akkineni, learned counsel for respondent Nos.5 and 6.

3. Today when the matter came up for hearing, learned counsel for the petitioner reiterated the contentions urged in the Writ Petition, but, however limited his prayer to direct the respondent authorities to take appropriate action on the complaint made by the petitioner dated 04.05.2014 and 21.06.2014, requesting the 2nd respondent herein to take action against the unofficial respondent Nos.4 and 5 herein.

4. On the other hand, learned counsel appearing for the respondents submits that the respondent authorities will consider the complaint made by the petitioner dated 04.05.2014 and 21.06.2014 and will take appropriate action in accordance with law.

5. Having regard to the facts and circumstances of the case and the submissions made by the learned counsel appearing for respondents, instead of going into the merits of the case, this Court feels it appropriate to dispose of the Writ Petition by directing the 2nd respondent to take action on the complaint made by the petitioner dated 04.05.2014 and 21.06.2014, in accordance with law, within a period of three (03) weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition is disposed of. There shall be no order as to costs.

As a sequel, Interlocutory Applications pending, if any, in this Writ Petition, shall stand closed.

//TRUE COPY//

Sd/- U.SRI DEVI
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Principle Secretary, Municipal Department, Secretariat, VElagapudi, Guntur District.
2. The Municipal Commissioner, Municipal Corporation, Nellore.
3. One CC to Sri D Suresh Kumar Advocate [OPUC]
4. One CC to Sri A S C Bose (SC for Municipalities), Advocate [OPUC]
5. Two CCs to for GP for Muncipal Admn and Urban Dev, High Court of Andhra Pradesh. [OUT]
6. One CC to M/s. Harija Akkineni Advocate [OPUC]
7. Three CD Copies

HIGH COURT

DATED:08/01/2025

ORDER

WP.No.17783 of 2014



DISPOSING OF THE W.P., WITHOUT COSTS