

HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

W.P.No.36512 of 2012

Date : 24-6-2013

Between:

Mohammed Ghouse Mohiddin
and another
Petitioners

..

and

The District Collector,
West Godavari District, Eluru
and others
Respondents

..

Counsel for petitioners : Sri T.N.M. Ranga Rao
Counsel for respondent Nos.1 & 2 : Assistant Government
Pleader

for Panchayat Raj

Counsel for respondent No.3 : Sri G. Raju for Sri G. Elisha
Counsel for respondent No.4 : Sri M. Subhan

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The Court made the following:

ORDER:

The petitioners, who are neighbours of respondent No.4, filed this Writ Petition complaining of the purported inaction of respondent No.3 in responding to their representation for taking action against respondent No.4 for encroaching upon the road margin and using the ground floor of his premises for commercial purpose having taken the building permission for residential purpose.

Respondent Nos.3 and 4 filed separate counter-affidavits.

In the counter-affidavit filed by respondent No.3, he has averred that his verification of the construction of the building by respondent No.4 revealed that the latter has not encroached upon the road margin. He has further stated that as respondent No.4 is utilizing the ground floor portion of the building for running a shop even though he has taken the building permission for residential purpose, a notice was issued to respondent No.4 and an explanation is awaited from him.

Sri G. Raju, learned counsel for respondent No.3 submitted that his client will take appropriate action according to law on considering the explanation, if any, received from respondent No.4.

The learned counsel for the petitioners stated that his clients will be satisfied if respondent No.3 takes action against respondent No.4 according to law as submitted by its counsel.

In the light of the above submissions, the Writ Petition is disposed of with the direction to respondent No.3 to consider the explanation, if any submitted by respondent No.4 to the notice issued by the former and take action according to law if the latter has indulged in deviations in construction or violated the building Rules in putting the premises to use.

As a sequel, WPMP Nos.46367/2012 and 135/2013 are disposed of as infructuous.

Justice C.V. Nagarjuna Reddy

Date : 24-6-2013

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