

**HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE  
AND  
HON'BLE SHRI JUSTICE C.V.NAGARJUNA REDDY**

**WRIT PETITION No. 16253 of 2007**

Between:

T. Abdul Khaja Hussain

... Petitioner

AND

The Commissioner,  
Adoni Municipality, Adoni,  
Kurnool District and another.

... Respondents

**: ORDER :**

Counsel for the petitioner : Shri P. Panduranga Rao

Counsel for respondent No.1: Shri S.I. Newton

**Dated: 31<sup>st</sup> July, 2007**

**Per G.S. SINGHVI, CJ.**

In this petition, the petitioner has prayed for issue of a mandamus to respondent No.1 to pull down the alleged illegal and unauthorised constructions made by respondent No.2 on premises bearing No.19-425, Main Road, Adoni.

In the affidavit filed by him, the petitioner has averred that even though the application made by respondent No.2 for construction of building was rejected by the competent authority of Adoni Municipality, he has raised illegal construction.

We have heard Sri P. Panduranga Rao and perused the record.

Though the petitioner has annexed xerox copy of the plan of the building proposed to be constructed by respondent No.2 which, according to the petitioner, was rejected some time in the month of June, 2007 and he i.e., the petitioner made representation dated 29.06.2007 to the Chairman and Commissioner, Adoni Municipality inviting their attention to the alleged illegal construction raised by respondent No.2, he has not produced before the Court any evidence regarding the age of construction. Representation dated 29.06.2007 made by the petitioner shows that respondent No.2 had constructed the ground as well as first floor on the date of making representation. Therefore, we do not see any justification to exercise power of this Court under Article 226 of the Constitution for directing respondent No.1 to demolish the constructions made by respondent No.2 by assuming that the same is contrary to the sanctioned plan.

Notwithstanding our disinclination to issue mandamus to

respondent No.1 to demolish the alleged illegal construction made by respondent No.2, we are convinced that it is the duty of the Commissioner, Adoni Municipality to consider and decide the complaint made by the petitioner in the matter of the alleged illegal and unauthorized construction raised by respondent No.2. Being an authority entrusted with the task of ensuring that no construction is made within the limits of Adoni Municipality in violation of the sanctioned plan or the building rules, the Commissioner is under an obligation to attend the complaints made by the citizens in the matter of illegal and unauthorised construction and take remedial measures.

Hence, the writ petition is disposed of with the direction that within two weeks from the date of submission of certified copy of this order, the Commissioner, Adoni Municipality shall, after examining the complaint made by the petitioner vide his representation dated 29.06.2007, decide the same by recording a speaking order.

If the Commissioner comes to the prima facie conclusion that the construction made by respondent No.2 is contrary to the provisions of the Andhra Pradesh Municipalities Act, 1965, building rules or bye-laws or any other statutory provision, then he shall issue notice to the said respondent and take further action in the matter.

As a sequel to disposal of the writ petition, WPMP.No.20676 of 2007 filed by the petitioner for interim relief is disposed of as infructuous.

**G.S. SINGHVI, CJ.**

**C.V. NAGARJUNA REDDY, J.**

Date: 31.07.2007

ES