

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

Writ Petition No.21454 of 2012

ORDER:

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This writ petition is filed seeking the following relief's:

'...to issue an order or direction more particularly one in the nature of writ of mandamus or any other appropriate writ order or direction declaring the action of the respondent No.3 in not passing any orders in the appeal filed by the petitioner dated 30.11.2010 which is preferred against the permission order granted by the respondent no.1 in proceedings No.A/24/GP/2010, dated 28-8-2010 in favour of the respondent no.4 for construction in Hanuman Street, Raikal village and Mandal, Karimnagar District, is nothing but arbitrary, illegal, null and void and violative of principles of natural justice and also violative of principles of natural justice and also violative of the provisions of the A.P. Panchayat Raj Act and also violative of Articles 14, 19 and 21 of the Constitution of India. Consequently direct the respondent no.3 to pass appropriate orders in the appeal filed by the petitioner dated 30-11-2010 and see that, by further directing the respondents no.1 to 3 to see that, the respondent no.4 shall not proceed with any construction in Hanuman street, Raikal village and Mandal, Karimnagar District till the appropriate orders passed in the said appeal and to pass such other order.....'

[Reproduced verbatim]

2. I have heard the submissions of the learned counsel for the writ petitioner, the learned Standing Counsel appearing for the 1st respondent and the learned counsel appearing for the 4th respondent. I have perused the material record.

3. The learned counsel for the petitioner would submit that feeling aggrieved of the permission granted by the 1st respondent to the 4th respondent, the writ petitioner had filed an appeal under Section 128 of the A.P. Panchayat Raj Act, 1994 ('the Act', for brevity) before the 3rd respondent/District Panchayat Officer, Karimnagar and that if the writ petition is disposed of giving an appropriate direction to the 3rd respondent to dispose of the said appeal in accordance with the procedure established by law, the grievance of the petitioner would be redressed.

4. The learned Standing Counsel appearing for the 1st respondent and the learned counsel appearing for the 4th respondent would submit that they have no objection for the petitioner seeking such a direction, as such a course would meet the ends of justice.

5. Recording the submissions, the Writ Petition is disposed of directing the 3rd respondent to dispose of the appeal filed by the petitioner under Section 128 of the Act in accordance with the procedure established by law as expeditiously as possible and at any rate not later than a period of three (03) months from the date of receipt of a copy of this order, however, after affording an opportunity of hearing to the writ petitioner as well as the 4th respondent. No costs.

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

M. SEETHARAMA MURTI, J

22.12.2015
Vjl