

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH**

WRIT PETITION No. 29377 OF 2011

Between:

Alugulla Nageswara Reddy

.. Petitioner

and

The District Collector, Prakasam District

and another

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 12.08.2015

SUBMITTED FOR APPROVAL:

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THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

1. Whether Reporters of Local newspapers Yes/No

may be allowed to see the Judgments?

2. Whether the copies of judgment may be Yes/No

marked to Law Reporters/Journals?

3. Whether Their Ladyship/Lordship wish to Yes/No

see the fair copy of the Judgment?

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 29377 of 2011

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ORDER:

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Heard learned counsel for the petitioner and learned Government Pleader for Revenue appearing for the respondents. With the consent of the parties, the writ petition is disposed of at the admission stage itself.

The present writ petition came to be filed seeking issuance of writ of mandamus declaring the action of the 2nd respondent in interfering with the business of the petitioner, as illegal and arbitrary.

The averments made in the affidavit filed in support of the writ petition are that the petitioner is the absolute owner and possessor of land admeasuring Acs.2.37 cents in Survey No.524 situated at Kalvakur, Addanki Mandal, Prakasam District and the said land is situated at a distance of one kilometer from the village. It is stated that

the petitioner applied for licence for the manufacture of bricks in the said land and the Grampanchayat granted licence vide proceedings dated 02.01.2011 and also issued No Objection Certificate in his favour for establishing a brick-kiln. While things stood thus, the 2nd respondent is said to have directed the petitioner to close down his business and also warned him to register a case, if the brick manufacturing process is carried on in the said land. Hence, the present writ petition.

Learned counsel for the petitioner submits that though the petitioner obtained necessary permissions from the Grampanchayat for the manufacture of bricks, the 2nd respondent is interfering with the business of the petitioner without following the due process of law.

On the other hand, learned Government Pleader for Revenue submits that the Grampanchayat is not the competent authority to grant licence for the manufacture of bricks. But however, he submits that the 2nd respondent shall not take any coercive action against the petitioner, without following the due process of law.

Having regard to the circumstances stated above and without going into the merits of the case, the 2nd respondent is directed not to take any coercive action against the petitioner, without following the due process of law, if the petitioner is still proceeding with the manufacture of bricks in the said premises.

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

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

JUSTICE C. PRAVEEN KUMAR

12th August, 2015

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