

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

WRIT PETITION NO.23809 of 2015

Between :

Smt. Bhukya Panthuli W/o.Chanda,
Aged about 55 yrs, Occu : Mandal Praja Parishad Territorial
Constituency Member, R/o.Penuballi Village & Mandal,
Khammam District.

.. Petitioner

and

The State of Telangana,
Rep., by its Secretary,
Social (Tribal Welfare) Department,
Secretariat Buildings, Hyderabad & another

.. Respondents

DATE OF JUDGMENT PRONOUNCED : 31.07.2015

SUBMITTED FOR APPROVAL:

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THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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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 Lordship wish to : Yes / No
see the fair copy of the Judgment ?

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.23809 of 2015

ORDER :

Heard learned counsel for petitioner and learned Government pleader for Social Welfare (TG) and with their consent, the writ petition is taken up for disposal at the admission stage.

2. This writ petition is filed questioning the action of the 2nd respondent in not taking action on the representation of the petitioner regarding illegal multistoried constructions made by a non-tribal (3rd party) opposite to Khammam road Police station at V.M.Bazar Village as illegal and for a consequential direction to remove the constructions made by a non-tribal.

3. Petitioner claim that she belongs to Schedule tribe community and is a Mandal Praja Parishad Territorial Constituency Member for the Territorial Constituency No.2 of Penuballi Mandal. She alleges that the State and Central Governments have prohibited making any multistoried constructions or permitting any businesses which would hamper the tribals day to day life and would frustrate age old social conditions of their sect. While enacting the Panchayat Extension to Scheduled Areas Act, (PESA Act), Penuballi Mandal, was declared as a Tribal area where the modern life, businesses or the culture are not permitted. Non-tribal shall not have any right over the properties situated within the tribal area. While so, as the petitioner received complaints from the local tribals that a non-tribal is proceeding with constructions, even without permission from the Penuballi Gram Panchayat (2nd respondent), she submitted a representation to the 2nd respondent on 17.04.2015, but so far no steps were taken by the 2nd respondent. Hence, the present writ petition is filed.

4. When the matter is taken up, both counsel agreed for disposal of the writ petition with a direction to the 2nd respondent to expeditiously dispose of the representation dated 17.04.2015 submitted by the petitioner.

5. Having regard to the same, without expressing any opinion on the merits of the matter, writ petition is disposed of directing the 2nd respondent to consider the representation of the petitioner dated 17.04.2015, and pass

appropriate orders as warranted under law within a period of four weeks from the date of receipt of copy of this order and communicate the decision to the petitioner. No costs. Having regard to the same, miscellaneous petitions, if any pending, are closed.

31st July, 2015.
Rds

P.NAVEEN RAO,J