

THE HON'BLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION No.18405 OF 2006

ORDER:

An order bearing No.59/2006-b2(Panc), dated 18.03.2006, passed by the District Panchayat Officer, Nizamabad, is under challenge in the present writ petition.

2. Heard learned counsel appearing for the petitioner so also the learned Government Pleader, appearing for the respondents and learned standing counsel appearing for the 4th respondent.

3. Earlier the 4th respondent filed W.P.No.24610 of 2004 before this Court, assailing the action of the Forest Range Officer, Yellareddy, Nizamabad District, in obstructing the construction in Survey No.532, as per the approved plan of the Gram Panchayat vide G.P.A.No.21/2003, dated 19.11.2004. The said writ petition was disposed of, by this Court, on 24.11.2005 and the operative portion of the said order reads as follows:

“Though the said order has not been placed before this Court, having regard to the facts and circumstances of the case, I deem it appropriate to dispose of the writ petition with a direction to the District Panchayat Officer to re-open the said appeal and to pass appropriate orders on merits after hearing the petitioner as well as the third

respondent with regard to the sustainability of the permission granted by the Gram Panchayat, Yellareddy. Such exercise shall be completed as expeditiously as possible preferably within a period of eight weeks from the date of receipt of a copy of this order. Till such time, the petitioner shall not proceed with any constructions on the land in question. No costs.”

4. Subsequently, by way of the order under challenge, the District Panchayat Officer, Nizamabad District, while referring to the above said orders of this Court, directed the Gram Panchayat, Yellareddy, to re-examine the issue in regard to the construction in open place of 8' X 23' after discussing in the Panchyat Committee and issue orders and further directed that the public may utilize the Bore well dug by the Forest Department. In pursuance of the District Panchayat Officer's order dated 18.03.2016, the Gram Panchayat granted permission in favour of the petitioner herein by way of proceedings bearing No.20/A1/2006, dated 27.06.2006. Though the petitioner herein sought interim suspension of the order dated 27.06.2006, this Court, did not grant any interim orders in the present writ petition.

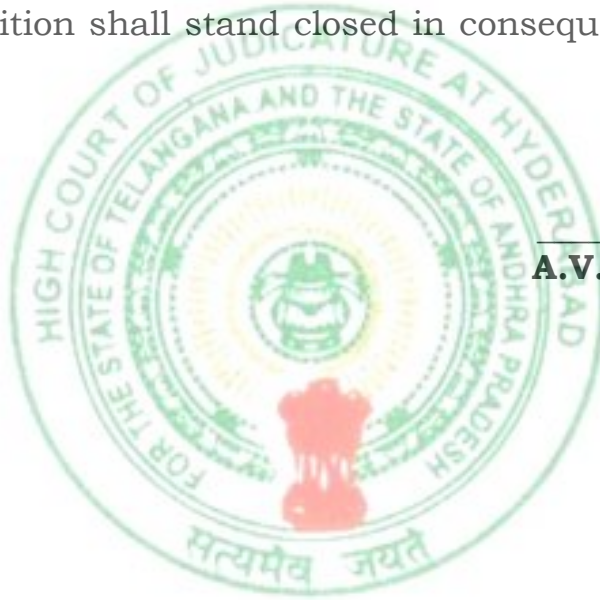
5. At the hearing, it is stated now by the learned Government Pleader and the learned standing counsel, appearing for the 4th respondent that pursuant to the permission accorded by the Gram Panchyat on 27.06.2006, 4th respondent herein completed the construction. In view of

the above developments, this Court deems it appropriate to dispose of the present writ petition by keeping it open for the petitioner herein to avail the remedies open to the petitioner as per law.

6. For the aforesaid reasons, this writ petition is closed, keeping it open for the petitioner herein to avail the remedies open to the petitioner in accordance with law.

7. Miscellaneous petitions pending consideration, if any, in the Writ Petition shall stand closed in consequence. No order as to costs.

21.11.2016
SS



A.V.SESHA SAI, J