

HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

WRIT PETITION No.27322 of 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking a Writ of Mandamus to direct the respondents to take steps forthwith with regard to the unauthorized constructions undertaken by the 7th respondent.

2. Heard the learned counsel for the petitioner, the learned Government Pleader for Panchayat Raj and Rural Development and Sri G.Narender Reddy, learned standing counsel for respondents 5 and 6 (Telangana).

3. A perusal of the record reveals that the petitioner claims that he purchased an extent of 181.6 sq. yards and 181.6 sq. yards in Sy.No.375/B from Boorla Poshetti under two registered sale deeds bearing documents No.5005 of 2000 dated 20.09.2000 and 8137 of 2002 dated 31.12.2002 respectively. The seventh respondent also purchased an extent of 242 sq. yards and 363 sq. yards in Survey No.375/B under two registered sale deeds bearing document Nos.12243 of 2014 and 5515 of 2007 respectively. A perusal of the record reveals that the petitioner and the respondents are neighbouring owners of Gundlapalli village, Bejjanki Mandal of Karimnagar District.

4. The contention of the petitioner is that the seventh respondent is making constructions without obtaining necessary permission from the Gram Panchayat. It is needless to say no one is entitled to make constructions without obtaining necessary permission from the Gram Panchayat.

5. At the time of arguments, learned counsel for the respondents 5 and 6 submitted that the Gram Panchayat has already issued notices

to the seventh respondent. Whether the seventh respondent is making constructions by encroaching the road margin is purely a disputed question of fact, which cannot be gone into while exercising the jurisdiction under Article 226 of the Constitution. The respondents 5 and 6 are the competent persons to say whether the seventh respondent had encroached the road margin or making construction without obtaining necessary permission. This Court is not inclined to express any opinion in view of the involvement of disputed questions of fact.

6. Having regard to the facts and circumstances of the case, the respondents 5 and 6 are hereby directed to take appropriate steps against the seventh respondent in accordance with law as expeditiously as possible.

7. With the above direction, the writ petition is disposed of. No order as to costs. Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

T.SUNIL CHOWDARY, J

August 16, 2016.

Rns.