

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

WRIT PETITION No.26120 OF 2012

ORDER:

This writ petition is filed, under Article 226 of the Constitution of India, alleging inaction on the part of the respondents 1 to 3 in removing the encroachments of the Gram Panchayat road by the respondents 4 and 5.

2. Heard Sri P.Vishnuvardhan Reddy, learned counsel for the petitioner, Sri G.Narender Reddy, learned standing counsel for the respondents 1 to 3 and Sri N.Mukunda Reddy, learned counsel for the 5th respondent. Despite service of notice, none appears for the 4th respondent.

3. Responding to the notice issued by this court, a counter affidavit deposited by the Panchayat Secretary, Dhanwada Gram Panchayat and Mandal, Mahabub Nagar District, is filed. In the said counter affidavit, it is stated that the 4th respondent did not obtain any permission from the Gram Panchayat to construct her house and she made a construction more than five years ago and the 5th respondent made construction after obtaining permission from the Gram Panchayat. The said counter affidavit further states that on the representation made by the petitioner herein, the Special Officer/Mandal Parishad Development Officer, visited the subject site on 30.03.2012 and conducted a local enquiry with the neighbouring residents and also in the presence of

the village elders and after verifying the same, they found that the 5th respondent made construction of the compound wall 1½ feet, deviating the sanctioned plan and accordingly, the 1st respondent effected the demolition of the said compound wall on 06.04.2012 with the staff of the Gram Panchayat and for that the 5th respondent did not raise any objection. Counter affidavit further states that the Gram Panchayat is proceeding against the 4th respondent for the illegal construction as per law asking her to show-cause as to why her illegal construction should not be demolished.

4. When the matter is taken up today, it is submitted by the learned Government Pleader that there is no encroachment in the Gram Panchayat road by the 4th respondent.

5. For the aforesaid reasons, writ petition is disposed of, in view of the above situation and with a further direction to the Gram Panchayat to take appropriate action against the illegal constructions, if any, made by the 4th respondent in accordance with law.

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

A.V.SESHA SAI, J

06.12.2016

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