

HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

WRIT PETITION NO.30193 OF 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking to issue writ of mandamus declaring the action of the respondents 2 and 3 in not considering the representation of the petitioner as illegal and arbitrary.

2. Heard the learned counsel for the petitioner, the learned Assistant Government Pleader for Panchayatraj, representing respondents 1 and 3 and learned standing counsel for respondents 3 and 4.

3. It is the case of the petitioner that he is having Ac.0.16 ½ cents of land in Voppangi village, Srikakulam Mandal and District. It is his further case that the 5th respondent is intending to construct a petrol bunk in the land of the petitioner. It is the further case of the petitioner that the respondents herein issued No Objection Certificate to the 5th respondent in respect of the land of the petitioner. A perusal of the record reveals that the petitioner made a representation to the respondents 3 and 4 on 25-07-2016 stating that he is the owner of the land in question. Whether the petitioner is the owner of the land in question or not is purely a disputed question of fact, which cannot be decided in the writ petition while exercising the jurisdiction under Article 226 of the Constitution of India.

4. At the time of arguments, the only relief sought for by the petitioner is to direct the respondents 3 and 4 to consider the representation of the petitioner and pass appropriate orders in accordance with law.

5. Learned standing counsel for the respondents 3 and 4 submitted that the petitioner filed a civil suit. Learned

counsel for the 5th respondent and learned Assistant Government Pleader consented for disposal of the representation of the petitioner.

6. Having regard to the facts and circumstances of the case, respondents 3 and 4 are directed to dispose of the representation of the petitioner, dated 25-07-2016 as expeditiously as possible preferably within a period of six weeks from the date of receipt of a copy of this order.

7. With the above direction, the writ petition is disposed of. Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

DATED: 07-09-2016
Hsd

T.SUNIL CHOWDARY, J

