

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

Writ Petition No.37099 of 2015

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Date: 20.01.2016

Between:

Erukula Ganesh

.. Petitioner

and

The State of Telangana
rep. by its Prl.Secretary
Panchayat Raj Dept.,
Hyderabad and 4 others

.. Respondents

Counsel for the petitioner : Mr.M.Damodar Reddy

Counsel for respondent Nos.1 & 2: AGP for Panchayat Raj

**Counsel for respondent No.3: Mr.V.Narasimha Goud,
 SC for HMDA**

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Counsel for respondent No.4: Mr.G.Narender Reddy,
SC for Gram Panchayat

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Counsel for respondent No.5: Mr.S.Ravinder Reddy

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The Court made the following:

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Order:

This Writ Petition is filed by a person, who has a dispute regarding protected tenancy with respondent No.5, with the grievance that without obtaining permission from respondent No.4- Gram Panchayat, respondent No.5 has constructed a hot mix plant over the land, which is the subject matter of dispute, and that in spite of his representation, respondent No.4 has not been taking any action.

The Panchayat Secretary of respondent No.4 has filed a detailed counter-affidavit wherein he has *inter alia* stated as under:

“It is true that the 5th Respondent started construction of Damber Plant without obtaining any permission from the Gram Panchayat.

In reply to Para 4, it is submitted it is true that this answering Respondent issued a letter No.GPTH/7/2015, dated 17/10/2015, intimating the petitioner that the 5th Respondent is making illegal construction of BT Plant and Concrete Plant in the name of M/s.Krushni Infrast India Private Limited in Survey Nos.165, 166, 169 & 170 total admeasuring Acs.68.38 Gts., at Taramathipet Village, without obtaining any permission from the

answering Respondent and this answering Respondent issued notices dated 28/08/2015 and 19/09/2015 stating to stop the construction and the same is complained to the Extension Officer (PR & RD). In response to the said complaint, the 2nd Respondent issued a memo No.6347/2015-B3 (PTS), dated 30/10/2015 directing the answering Respondent to remove the illegal constructions and submit the report of the same. In view of the said memo, this answering Respondent issued another notice dated 24/11/2015 for demolition to the 5th respondent since he turned deaf ear in spite of issuing several notices. The 5th Respondent filed Writ Petition No.38929 of 2015 to challenge the notice dated 24/11/2015, which was issued in view of the memo dated 30/10/2015 issued by the 2nd Respondent, which was disposed of on 01/12/2015 directing the 3rd Respondent *i.e.*, HMDA to consider the representation filed by the 5th Respondent and passed orders. This answering Respondent acted in time with following the due procedure and there is no in action on the part of this answering Respondent as alleged by the petitioner.”

The above reproduced averments of the Panchayat Secretary have remained uncontroverted. From these averments, it is evident that respondent No.4 has taken action as expected

of it. Therefore, no further directions to it could be granted. As could be seen from the above-reproduced part of the counter-affidavit, this Court, by Order, dated 01.12.2015, in WP.No.38929 of 2015, has directed respondent No.3 to dispose of the representation of respondent No.5.

The learned Counsel for the petitioner submitted that his client has filed objections before respondent No.3.

In the light of these facts, respondent No.3 is directed to dispose of the representation of respondent No.5, after considering the objections of the petitioner, within one month from the date of receipt of this order.

Subject to the above direction, the Writ Petition is disposed of.

As a sequel to disposal of the Writ Petition, WPMP.No.47764 of 2015, filed by the petitioner for interim relief, is disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

Dt: 20th January, 2016
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