

HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

WRIT PETITION No.21214 OF 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking a writ of Mandamus declaring the inaction of the second respondent in demolishing the dilapidated building of the fourth respondent bearing Dr.No.5-176, situated in Podili village, Prakasam District as arbitrary, illegal and contrary to the provisions contained in the Andhra Pradesh Panchayat Raj Act, 1994 and consequently direct the second respondent to demolish the dilapidated building of the fourth respondent forthwith and to pass such other necessary orders.

Heard the learned counsel for the petitioner, the learned Government Pleader appearing for respondents 1 to 3 and Sri G.Seshadri, learned counsel appearing for the fourth respondent.

The grievance of the petitioner is that the building in question is in dilapidated condition and the respondents are not taking any steps to demolish the same.

The learned counsel for the second respondent submitted that the panchayat cannot demolish the building without following due procedure.

Learned counsel for the petitioner submitted that he made a representation dated 30.03.2016 to the second respondent – Gram Panchayat. He further submitted that for the reasons best known to it, the Gram Panchayat is not taking any steps for demolition of the building.

The various questions raised by the petitioner involve complexity of disputed questions of fact. While exercising the jurisdiction under Article 226 of the Constitution of India, this Court cannot go into the disputed questions of fact. The fact remains that the representation submitted by the petitioner is pending before the second respondent – Gram Panchayat.

Having regard to the facts and circumstances of the case, the second respondent is hereby directed to dispose of the representation of the petitioner dated 30.03.2016 after service of notice to all the affected parties and pass orders in accordance with law.

Accordingly, the writ petition is disposed of. As a sequel, miscellaneous petitions pending, if any, in this writ petition shall stand closed.

**T.SUNIL
CHOWDARY, J**

21.07.2016
Rns

HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

WRIT PETITION No.21214 OF 2016

Date:20.07.2016

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