

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

WRIT PETITION No.9348 of 2008

ORDER:

This Writ Petition, filed under Article 226 of the Constitution of India, assails the inaction of respondents 1 to 4 in removing the alleged illegal constructions in Panchayat Bazar on the northern side of the petitioner's house at Kanchikacherla Village and Mandal, Krishna District.

Heard, Sri B.V.S.S. Balakrishna Ranjit, learned counsel for the petitioner, learned Government Pleaders for Revenue and Panchayat Raj for respondents 1 to 3 and Sri Ravi Cheemalapati, learned Standing Counsel for the 4th respondent. Despite service of notice none appeared for un-official respondents 5 and 6.

According to the petitioner, she purchased house site in Kanchikacherla village and Mandal situated in Sy.No.503/1 admeasuring 80 Square Yards from Nagineni Subbamma and others vide registered sale deed No.2783 of 1987, dated 07-11-1987. It is further pleaded that there is a Panchayat Bazar in the village and the same is situated on the Northern side of the petitioner's house. It is further alleged that the un-official respondents have encroached upon the said Panchayat Bazar to an extent of 37 Square Yards. It is further averred that the petitioner herein submitted a representation

on 22-05-2001 to the Executive Officer of the 4th respondent herein and in pursuance of the same the Executive Officer addressed a letter to the Mandal Revenue Officer on 23-09-2001, requesting to arrange for survey obviously for taking further action in the matter. It is further submitted that the petitioner herein also paid survey charges on 21-12-2006. The petitioner herein submitted a representation on 21-12-2006 to the Mandal Revenue Officer with a copy to the Panchayat Secretary, requesting to take further action in the matter. But no action was taken and the same was followed by another representation to the District Collector on 05-03-2008. According to the petitioner, no further action has been taken by the revenue authorities in the matter.

No counter-affidavit is filed, opposing the relief sought in the Writ Petition. The respondent authorities cannot keep the matter pending for years together and they are obligated to take further action for removal of encroachments on public property, if any. Therefore, the ends of justice would be served if the respondents 1 to 4 are directed to take further action on the representations, dated 21-12-2006 and 05-03-2008 said to have been submitted by the petitioner herein.

For the aforesaid reasons, the Writ Petition is disposed of, directing the respondents 1 to 4 to take action on the

representations, dated 21-12-2006 and 05-03-2008 said to have been submitted by the petitioner herein, in accordance with law, within a period of three (3) months from the date of receipt of a copy of this order after giving notice to all the stake holders. There shall be no order as to costs.

The Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

A.V. SESA SAI, J

November 03, 2016

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