

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH

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HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

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WRIT PETITION No. 28730 OF 2015

Date: 18.03.2016

Between:

C. Venkata Swamy

... Petitioner

And

State of A.P., rep., by its Principal Secretary,
Panchayat Raj & Rural Development Dept.,
Hyderabad & others.

... Respondents

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

WRIT PETITION No. 28730 OF 2015

PC:

Heard learned counsel for the parties.

The prayer in the writ petition reads thus:

“For the reasons stated in the above accompanying affidavit, the petitioner herein prays that this Hon’ble Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents 2 to 4 in not taking action against the illegal constructions made by the respondents 5 to 7 on the 40 ft., road, which is the part and parcel of approved layout in Sy.No.106/77 of Papampeta Village of A.Narayanapuram Gram Panchayat, Ananthapuram Rural Mandal, Ananthapuram District, as illegal, arbitrary, violation of the provisions of the A.P. Panchayat Raj Act and violation of Articles 14 and 21 of the Constitution of India and consequently direct the respondents to take action against the respondents 5 to 7 for making illegal constructions and pass such other order or orders as this Hon’ble Court may deem fit and proper in the circumstances of the case.”

Sri G. Elisha, learned counsel for the petitioner, submits that after the Memo, dated 18.06.2015, was issued by the District Panchayat Officer in respect of the encroachments allegedly made by respondent Nos.5 to 7, no further action has been taken till this date. He submits that the petitioner would be satisfied if he is allowed to make a representation to the Panchayat Officer to take further action on the basis of the Memo, dated 18.06.2015.

Ms. M.K. Tirupana Devi, learned counsel holding for Sri G.

Seshadri, advocate for respondent Nos.3 and 4, submits that if the petitioner makes any representation, as aforementioned, respondent Nos.5 to 7 may also be given an opportunity to file their objections before the Panchayat Officer and he may be directed to decide the petitioner's representation, after giving an opportunity of being heard to these respondents.

Having considered the statements of learned counsel for the parties, I am satisfied that the following order will meet the ends of justice.

"Petitioner is allowed to make a representation to the concerned authority within a period of two weeks from today. Petitioner shall also serve a copy of his representation on respondent Nos.5 to 7, within a period of two weeks from the date of representation. It is needless to mention that respondent Nos.5 to 7 shall file their objections within a period of four weeks from the date of service of representation and place on record, along with their objections/reply to the representation, all documents showing that construction of the Temple is authorized. The District Panchayat Officer shall consider and decide the petitioner's representation and the objections, if any, filed by respondent Nos.5 to 7 on merits in accordance with law, within a period of four months from the date of representation, after giving an opportunity of being heard to all concerned, including the petitioner and respondent Nos.5 to 7. All contentions of the parties on merits are kept open."

With the above observations, writ petition is disposed of.

Miscellaneous petitions, if any, shall also stand disposed of.

DILIP B. BHOSALE, ACJ

Date: 18.03.2016

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