

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

WRIT PETITION No.33319 OF 2012

ORDER :

Heard counsel for the petitioners, the Government Pleader for Panchayat Raj and Sri Sricharan Telaprolu, Counsel for respondents 8 to 12.

2. Petitioners' grievance is that respondents 1 to 6 are not protecting open space admeasuring Acs.2.50 cents in survey NO.452/1 and 452/1B of Ganapavaram Revenue Village, Nadendla Mandal, Guntur District provided for plots in layout permit No.121/98/G, and that respondents 7 to 13 are attempting to alienate or encroach into the said open space.

3. Counsel for the petitioners' states that petitioners have submitted a representation dt.29.03.2012 to the 3rd respondent to protect the alleged open space referred to above and that the said representation has not been disposed by the respondents till date.

4. Sri Sricharan Telaprolu, Counsel for respondents 8 to 12, contends that the very layout is illegal and there is a title dispute pending with respect to the above property. He also contends that the petitioners cannot stop alienation or occupation of the said land.

5. Although counter affidavit is filed by the 3rd respondent stating that some action has been taken on the petitioners' representation by addressing a letter on 06.07.2012 to the Tahsildar, Nadendla Mandal for conducting survey for the common site in the lay out to fix boundaries thereto, there is no response communicated to the petitioners by the 3rd respondent about the same.

6. Therefore, the Writ Petition is disposed of directing the 3rd respondent to consider the petitioners' representation dt.29.03.2012 within four (04) weeks from the date of receipt of a copy of this order and communicate his decision thereon to the petitioner. It is open to respondents 8 to 12 to submit their objections before the 3rd respondent to the claim of the petitioners within two (02) weeks from the date of receipt of a copy of this order. The 3rd respondent shall also consider the objections, if any, received from respondents 8 to 12 before taking any further action on the petitioners' representation. There shall be no order as to costs.

7. Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

M.S. RAMACHANDRA RAO, J

17th February, 2016.
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