

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.46012 OF 2016

DATED : 30.12.2016

Between :

Kamatam Ramaiah S/o.Rajaiah,
Hindu, Aged about 48 yrs, Occu : Govt. Teacher,
R/o.H.No.2-1-147/1, Pragathinagar Village,
Pedapalli Mandal, Peddapalli District.

.. Petitioner

And

The State of Telangana,
Rep., by its Principal Secretary,
Municipal Administration & Urban Development Department
Secretariat, Hyderabad & others.

.. Respondents



This court made the following :

THE HON'BLE SRI JUSTICE P.NAVEEN RAO**WRIT PETITION No.46012 OF 2016****ORDER :**

Heard. With the consent of both the counsel, the Writ Petition is disposed of at the admission stage.

2. Petitioner claims to be the owner of house bearing No.2-1-147 of Peddapalli Nagarapanchayat. Petitioner has constructed a house after obtaining building permission. Petitioner alleges that the 3rd respondent encroached the public road adjacent to the petitioner's property, treating the same as part of his plot. Alleging that the 3rd respondent illegally encroached into the public road, petitioner submitted several representations, but the same are not disposed of, this writ petition is filed.

3. A copy of the representation dated 29.02.2016 is enclosed as Annexure P-1 to the material papers.

4. Since a representation was submitted by the petitioner which was acknowledged by the Nagara Panchayat, Peddapally, on 02.03.2016, without expressing any opinion on merits and preserving the rights and defence of the 3rd respondent, the Writ Petition is disposed of, directing the 2nd respondent to consider the said representation and pass appropriate orders as warranted by law. If the 2nd respondent, prima-facie, in agreement with the contention of the petitioner that there was an encroachment by 3rd respondent, the 2nd respondent shall cause notice on the 3rd respondent and after affording due opportunity only, appropriate orders are required to be passed against the 3rd respondent.

Otherwise, the 2nd respondent shall take a decision and communicate the same, through a reasoned order to the petitioner. Such a decision shall be taken within a period of four (4) weeks from the date of receipt of copy of this order. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

P.NAVEEN RAO,J

30th December, 2016
Rds

