

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

WRIT PETITION No.32389 of 2016

ORDER:

This writ petition is filed seeking a writ of Mandamus declaring the action of the second respondent in not disposing of the stay petition as well as the appeal filed by the petitioner as illegal and arbitrary.

Heard Sri Gade Venkateswara Rao, learned counsel for the petitioner, the learned Government Pleader for Panchayat Raj (Telangana), representing the respondents 1 and 2, and Sri G.Narender Reddy, learned standing counsel for Panchayat Raj representing the respondents 3 and 4.

It is the case of the petitioner that he purchased an extent of Ac.0.09 Guntas in Survey No.2 of Thumukunta village, Shameerpet Mandal, Ranga Reddy District under a registered sale deed dated 28.07.1993. The petitioner obtained permission for construction of house, on 01.12.2008, from the fourth respondent Gram Panchayat. In pursuance of the approval sanctioned by the fourth respondent, the petitioner constructed a house in Sy.No.2. The fourth respondent issued a show cause notice dated 04.06.2016 calling for the explanation of the petitioner as if he encroached the road. The petitioner submitted a detailed explanation denying the allegations made in the show cause notice. The Gram Panchayat passed a resolution on 01.07.2016. Thereafter, the fourth respondent issued a notice dated

16.09.2016 directing the petitioner to remove the illegal encroachments immediately on receipt of the notice, otherwise, the structures shall be removed.

Feeling aggrieved by the orders of the fourth respondent dated 16.09.2016, the petitioner filed an appeal on 20.09.2016 before the second respondent.

At the time of arguments, the only relief sought by the petitioner is to direct the second respondent to dispose of his stay petition as well as the appeal as expeditiously as possible. The learned Assistant Government Pleader and the learned standing counsel consented for the same.

In view of the submissions made by both the counsel, this Court is not inclined to go into the merits of the main case.

Having regard to the facts and circumstances of the case and also the submissions made by both the counsel, the second respondent is hereby directed to dispose of the stay petition filed by the petitioner as expeditiously as possible, preferably, within a period of two weeks from the date of receipt of a copy of this order.

With the above direction, the writ petition is disposed of. No order as to costs. As a sequel, the miscellaneous petitions, pending if any in this writ petition, shall stand closed.

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T. SUNIL CHOWDARY, J

September 23, 2016.

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