

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

Writ Appeal No.1453 of 2016

Judgment: (Per the Hon'ble The Acting Chief Justice Ramesh Ranganathan)

The appellants herein are respondent Nos. 4 and 5 in the writ petition. The 1st respondent herein filed W.P. No. 38019 of 2016 to declare the action of the Gram Panchayat and its officials, in not causing an enquiry on his representations dated 27.9.2016 and 19.10.2016, as arbitrary and illegal.

By the order under appeal dated 7.11.2016, the learned Single Judge directed the respondents to consider the said representations within eight weeks from the date of the order, making it clear that he was not expressing any opinion on the merits of the case, nor had he considered the complaint of the 1st respondent-writ petitioner on its merits. Consequent thereto, proceedings dated 18.11.2016 was issued asking the appellants to stop construction.

Sri Y. Ramatirtha, learned counsel for the appellants, would submit, not without justification, that, as the proceedings dated 18.11.2016 was issued pursuant to the directions of this Court, the appellants' remedy to question the same in independent legal proceedings would be of no avail. Sri Ravi Cheemalapati, learned Standing Counsel for the Gram Panchayat and Ms. M.K.Tirupama Devi, learned counsel for the 1st respondent-writ petitioner, would fairly state that the proceedings dated 18.11.2016 may be treated as a show cause notice; and, since the appellants have filed their reply thereto, the appeal may be disposed of directing the Gram Panchayat to pass appropriate orders in accordance with law.

Sri Y. Ramatirtha, learned counsel for the appellants, readily agrees for such an order to be passed. As all the parties are in agreement, the writ appeal is disposed of treating the proceedings dated 18.11.2016 as a show cause notice; and, since the appellants have

already filed their reply thereto, the Gram Panchayat shall consider the said reply, and pass a reasoned order in accordance with law at the earliest, and in any event not later than four weeks from the date of receipt of a copy of this order.

The writ appeal is, accordingly, disposed of. Miscellaneous Petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

29th December, 2016

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(A. SHANKAR NARAYANA, J)



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