

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 17016 of 2016

ORDER:

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Heard learned counsel for the petitioner, Government Pleader for Municipal Administration and Urban Development, Government Pleader for Home and Sri Chatla Madhu, learned Standing Counsel for G.H.M.C.

There is no necessity to put the unofficial respondent on notice as this Court is not venturing to adjudicate the issue on merits.

The grievance of the petitioner is that his representation dated 30.05.2016 requesting to stop illegal encroachment on to the society land by the un-official respondent (fourth respondent) is not acted upon by the respondent authorities.

The averments in the affidavit filed in support of the writ petition would show that the petitioner is a co-operative society registered under the Andhra Pradesh Co-operative Societies Act, 1964 vide Regd. No.TB-864/69. As per the powers conferred under bye-laws of the petitioner society, the petitioner executed the Deed of Conveyance in favour of the fourth respondent vide registered document No.2918/1999, dated 08.07.1999 in respect of plot No.C-127 admeasuring 300 square yards and since then she is in possession of the said property. It is said that the property belonging to the fourth respondent is in the shape of trapezium and is at the junction of two colony roads bearing Plot No.C-127 which is being used for commercial purposes. It is said that towards northern side of Plot No.C-127 there is an

excess land measuring 150 square yards belonging to the petitioner society, which is used by the society for the purpose of vehicle parking with an intention to accommodate general public, who visit the shops nearby or attend the social gatherings in the opposite function hall. The fourth respondent is said to have illegally encroached on to the said land and trying to make construction in the said land. Though the committee members as well as the society members advised the fourth respondent not to encroach on to the society land, but the fourth respondent continued with illegal activities. The petitioner society made a representation dated 30.05.2016 requesting the respondent authorities to take action against the fourth respondent and to stop her illegal encroachment. Their inaction lead to filing of the present writ petition.

Sri Chatla Madhu, learned counsel for the G.H.M.C. submits that if the representation dated 30.05.2016 is pending, the same shall be considered in accordance with law.

Without going into the merits of the case and having regard to the facts and circumstances of the case, the present writ petition is disposed of, directing the second respondent to dispose of the representation dated 30.05.2016 made by the petitioner society, in accordance with law, as expeditiously as possible, preferably within a period of two (02) months from the date of receipt of a copy of the order, if the same is still pending consideration. It is needless to mention that the second respondent shall hear the petitioner and also the fourth respondent herein before passing any orders on the representation dated 30.05.2016. No order as to costs.

Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

**JUSTICE C. PRAVEEN
KUMAR**

02.06.2016

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