

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

Writ Appeal No.1365 of 2016

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

This appeal, under Clause 15 of the Letters Patent, is preferred against the order passed by the learned Single Judge in W.P.No.7186 of 2016 dated 08.03.2016. The Writ Petition was filed questioning the action of respondents 3 and 4 therein in not taking action to remove the encroachment of the public rasta in 4th ward of M.Agraharam Village, Maddikera Mandal, Kurnool District made by the appellant herein (5th respondent in the writ petition).

In the order under appeal, the learned Single Judge directed respondents 2 to 4 therein to take appropriate action against the appellant herein (5th respondent in the writ petition), by following the due process of law, as prescribed under Section 98 of the Panchayat Raj Act; and, if there was any necessity for following due process of law, respondents 2 to 4 may also take the aid of the Law Enforcing Authorities by making proper requisition.

The complaint of Sri Kiran Tirumalasetti, learned counsel for the appellant, is that the said order was passed even without giving the appellant herein (5th respondent in the writ petition) an opportunity of being heard. While this question, whether the writ petition could have been finally decided without putting the appellant herein (5th respondent in the writ petition) on notice, may have necessitated examination, Sri K.V.Raghu Veer, learned counsel for the respondent-writ petitioners, would submit that, pursuant to the order of the learned single Judge, the encroachments on the public road have already been removed.

As the cause in the writ appeal does not survive, the Writ Appeal is dismissed as infructuous. Miscellaneous Petitions pending, if any, shall also stand dismissed. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

(A.SHANKAR NARAYANA, J)

13th December, 2016
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