

HON'BLE SRI JUSTICE S.V.BHATT

W.P.No.32105 OF 2016

ORDER:

Heard Mr.V.Viswanatham for petitioner, Mr.G.Narender Reddy for Gram Panchayat/4th respondent and Mr.M.Rajamalla Reddy for respondents 5 to 8.

The petitioner prays for the following relief:

“.....this Hon'ble Court may be pleased to issue an order, direction or Writ one in the nature of Writ of Mandamus declaring the inaction on the part of the respondents 2 to 4 in not demolishing the unauthorised construction of three independent rooms in Sy.No.314/1/4, of Rayanapet Village, Samiti Singaram Gram Panchayat, Manuguru Mandal, Khammam District made by respondents 5 to 8 as wholly illegal, arbitrary and contrary to provisions of Panchayat Raj Act and consequently direct the respondents 2 to 4 to demolish the unauthorised construction of three independent rooms in Sy.No.314/1/4, of Rayanapet Village, Samiti Singaram Gram Panchayat and pass such.....”.

The 4th respondent filed counter-affidavit dated 02.10.2016 and on the alleged unauthorised construction and the obligation of 4th respondent to act in accordance law, the following reply is given:

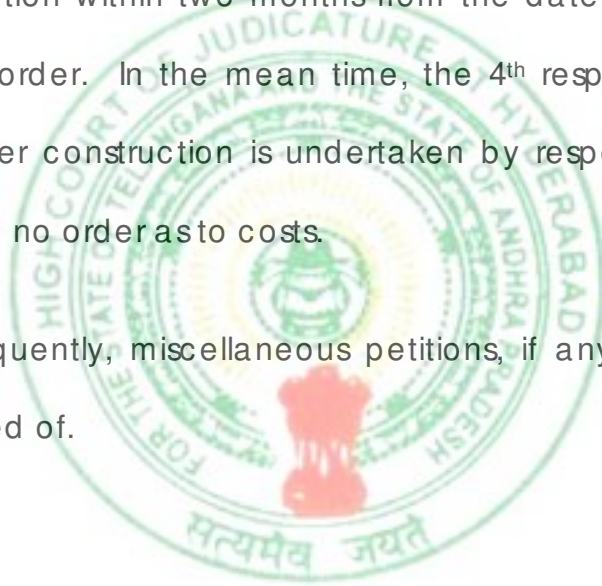
“It is submitted that the allegations of the petitioner that she approached this answering respondent and submitted a complaint on 11.09.2016 stating that the respondent Nos.5 to 8 are proceeding with the construction without having any valid permission and requested to demolish the same are false and denied. No complaint was received by this answering respondent as alleged by the petitioner. However, this answering respondent is incumbent to take action against the unauthorised construction and shall

initiate steps for taking action against the persons responsible for such unauthorized construction.

It is submitted that there is no cause of action to entertain the present writ petition and the same deserves to be dismissed”.

Having regard to the stand of 4th respondent, the writ petition is disposed of by directing the 4th respondent to undertake steps as stated in the counter-affidavit, issue notice to respondents 5 to 8, afford them opportunity, not only pass orders as are deemed fit and proper in the circumstances of the case but also take further necessary action within two months from the date of receipt of a copy of this order. In the mean time, the 4th respondent ensures that no further construction is undertaken by respondents 5 to 8. There shall be no order as to costs.

Consequently, miscellaneous petitions, if any pending, also stand disposed of.



S.V.BHATT,J

07th December, 2016

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