

THE HON'BLE SRI JUSTICE S. V. BHATT

WRIT PETITION No. 16794 of 2012

ORDER:

Heard Mr.L.Preetham Reddy, representing Mr. L.Prabhakar Reddy for petitioner, Government Pleader for Panchayat Raj for Respondents Nos.1 & 2, and Mr.P.Raghavendra Reddy for Respondent No.3.

2. Petitioner prays for mandamus directing Respondents 1 to 3 to remove illegal construction raised by 4th Respondent in premises bearing No.2-96 (Old No.2-97) and in adjoining open land situated at Gattuboothkor village, Gangadhara Mandalm, Karimnagar district, and prevent 4th Respondent from proceeding with further construction in terms of Proceedings No.A7/3037/2011, dated 03.12.2011 issued by 1st Respondent.

3. Learned counsel for petitioner submits that the 3rd Respondent replied that due to pendency of suit in O.S.No.52 of 2012 filed by 4th Respondent, the 3rd Respondent could not move in the matter. During the pendency of writ petition, according to his instructions, on 19.11.2016, the suit in O.S.No.52 of 2012 was dismissed. Therefore, the 3rd Respondent is under obligation to enquire into the alleged illegal constructions of 4th Respondent and move in the matter in accordance with law.

4. After perusing the material on record, this Court is of the view that the petitioner can be given liberty to approach the 3rd Respondent with subsequent developments, including the dismissal of suit on 19.11.2016 by way of representation, by enclosing a copy of this order, within six weeks from today, and the 3rd Respondent is under obligation to enquire into, afford opportunity to parties, and pass orders in accordance with law within two months thereafter.

5. The writ petition is disposed of as indicated above. As a sequel, the miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

February 22, 2017
Kv



S. V. BHATT, J

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