

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.2446 of 2006

ORDER:

This Writ Petition is filed by the petitioner under Article 226 of the Constitution of India seeking to declare the inaction of the 1st respondent in removing the illegal and unauthorized construction of the Rice Mill in Grama Kantam land in Sy.No.331 of Dondapudi Village, as per the proceedings of the 2nd respondent in ROC No.1/2005-A, dated 02.02.2005, as illegal and arbitrary.

The case of the petitioner is that he is the owner and possessor of a house in Sy.No.331 of Dondapudi village in Grama Kantam land and the same was assessed by the Gram Panchayat and he is paying the house tax. To the north side of the house of the petitioner, there was a vacant site in the same survey number and the 3rd respondent, who is the Upa Sarpanch of the Gram Panchayat, encroached the said land and constructed a Rice Mill in the name and style of "Jyotsna Rajasri Rice and Flour Mills", and also erected a compound wall to the said rice mill. The petitioner and other villagers made representations to the 2nd respondent about the encroachment and the illegal construction of the rice mill by the 3rd respondent. Then, the 2nd respondent directed the Mandal Surveyor to survey the land and submit the report. The Mandal Surveyor submitted his report and basing on the said report, the MRO passed orders directing the 1st respondent to take necessary action on the encroachment made by the 3rd respondent, but till date no action has been taken by the 1st respondent. Hence, the writ petition.

Heard and perused the material available on record.

Learned counsel for the petitioner contended that though the 2nd respondent directed the 1st respondent to take action against the 3rd respondent and remove the encroachments in the Gram Kantam land, basing on the report submitted by the Mandal Surveyor, the 1st respondent has not taken any steps to remove the encroachment in the Gram Kantam land.

Considering the facts and circumstances of the case and the grievance of the petitioner, this Court is inclined to pass the following order:

The 1st respondent is directed to take appropriate action in accordance with law, as per the proceedings of the 2nd respondent, dated 02.02.2005, if the construction of the 3rd respondent is illegal and unauthorized as per the record.

Accordingly, the Writ Petition is disposed of. There shall be no order as to costs. Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

September 14, 2017
KTL

RAJA ELANGO, J