

HON'BLE SRI JUSTICE S.V.BHATT

W.P. No.6466 OF 2012

ORDER:

Heard Mr.Ramana Allu for petitioner and the Assistant Government Pleader (Panchayat Raj) for respondent Nos.1 and 2 and Mr.O.Manohar Reddy for respondent No.4.

The petitioner prays for Mandamus directing respondents to conduct enquiry and take action against illegal construction of security rooms thereby obstructing Gram Panchayat's 33' road covered by layout in Survey Nos.307-P, 309-P, 311, 312 and 317 of Nizampet Village, Quthbullapur Mandal, Ranga Reddy District.

The petitioner on 18.05.2011 referring to a few commissions and omissions by 4th respondent has given representation to the respondents.

The 3rd respondent filed counter affidavit and the stand of 3rd respondent is that pursuant to representation dated 18.05.2011 given by petitioner, the 3rd respondent served notice on 4th respondent stating why Arch and security guard rooms shall not be demolished as encroaching the Gram Panchayat road. On 15.03.2012, the reply to the show cause notice was given by 4th respondent. The 3rd respondent further states that he inspected the site and found that there is no encroachment of Gram Panchayat road, the 4th respondent purchased the land in Survey Nos.309 admeasuring 238 square yards from the writ petitioner and his relatives under document No.16188/2006 and on which the said security rooms, Arch etc. were constructed. Therefore, the reply

reproduced in the counter affidavit is to the effect that the 4th respondent made constructions against which a complaint is made in the extent purchased from petitioner and his relatives.

I have perused the writ prayer and also the complaint dated 18.05.2011. This Court is of the considered view particularly having regard to the fact that the constructions since have been completed and that according to 3rd respondent, the constructions are covered by land purchased from writ petitioner, his relatives etc., the petitioner has to work out his remedies in a properly instituted suit or proceeding if the 4th respondent acted in any manner adverse to their interest. The 3rd respondent after inspecting the site replies that there is no encroachment on Gram Panachyat road. The material available on record does not warrant considering the writ prayer. Accordingly, the writ petition is dismissed. However, liberty is granted to petitioner to work out the remedies in a properly instituted suit or proceeding if cause of action subsists. No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

S.V.BHATT,J

Date: 31.01.2017

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