

THE HON'BLE SRI JUSTICE S. V. BHATT

WRIT PETITION No. 27717 of 2012

ORDER:

The prayer is one against inaction of Respondent Nos.1 & 2 in considering and disposing of the applications filed by the petitioners for grant of permission for constructed houses in Sy.No.403/ A of Kallur village & Mandal, Khammam district.

2. Mr.P.Srinivas Rao, Panchayat Secretary (FAC) filed counter-affidavit on behalf of the 1st Respondent. On the alleged inaction, the 1st Respondent replies as follows:

“The petitioners have constructed houses without obtaining permission, though their application is rejected on 02-11-2010, and the petitioners (are) aware of the fact of pendency of the dispute before Civil Court, but suppressing the said fact, petitioners have approached this Court by filing the writ petition.”

3. The inaction complained against Respondents is unfounded in view of communication dt. 2.11.2010. In such circumstances, the answering Respondent ought to show service of the communication dt. 02.11.2010, on petitioners or it is appended to the counter-affidavit. In the case on hand, the 1st Respondent has not appended the communication dated 02.11.2010. Therefore, without waiting for 1st Respondent's reply in this behalf, I am satisfied that the writ petition can be disposed of by this order:

The 1st Respondent is directed to serve a copy of the communication dated 02.11.2010 by 'registered post with acknowledgment due', within four weeks from the date of receipt of a copy of this order. The petitioners are given liberty to treat the receipt of communication as communicated pursuant to the order of this Court and are given liberty to avail all remedies available against such communication.

4. The writ petition is disposed of accordingly. As a sequel, the miscellaneous applications pending, if any, shall stand closed. There shall be no order as to costs.

January 30, 2017
Kv



S. V. BHATT, J

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Dated: January 30, 2017

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