

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.18931 of 2017

ORDER:

This writ petition is filed by the petitioner, under Article 226 of the Constitution of India, seeking to declare the action of respondents 2 & 3 in not disposing the petitioner's representation, dated 11.05.2017, for cancellation of permission and to demolish the structures raised on the joint property to an extent of Ac.0.14 guntas in Survey No.260/A/2, Ac.0.13 guntas in Survey No.261/B, Ac.0.14 guntas in Survey No.263/B, Ac.0.02 guntas in Survey No.264/B, Ac.0.01 ½ guntas in Survey No.265/B, Ac.0.08 guntas in Survey No.266/A, Ac.0.01 guntas in Survey No.266/B, Ac.0.01 guntas in Survey No.267/B, Ac.0.02 guntas in Survey No.269/B, Ac.0.01 guntas in Survey No.270/B, Ac.0.01 guntas in Survey No.271/B, Ac.0.01 ½ guntas in Survey No.272/B, Ac.0.02 guntas in Survey No.273/B, Ac.0.01 guntas in Survey No.274/B, Ac.0.01 guntas in Survey No.275/B, Ac.0.08 guntas in Survey No.266/A of Thimmapuram Village, Hanumakonda Mandal, Warangal District, as illegal and arbitrary.

2. Heard learned counsel for both sides and perused the material available on record. With the consent of learned counsel for both sides, the writ petition is taken up for disposal at the stage of admission.

3. The case of the petitioner is that the petitioner is a share holder in the joint property to an extent of Ac.0.14 guntas in Survey No.260/A/2, Ac.0.13 guntas in Survey No.261/B,

Ac.0.14 guntas in Survey No.263/B, Ac.0.02 guntas in Survey No.264/B, Ac.0.01 ½ guntas in Survey No.265/B, Ac.0.08 guntas in Survey No.266/A, Ac.0.01 guntas in Survey No.266/B, Ac.0.01 guntas in Survey No.267/B, Ac.0.02 guntas in Survey No.269/B, Ac.0.01 guntas in Survey No.270/B, Ac.0.01 guntas in Survey No.271/B, Ac.0.01 ½ guntas in Survey No.272/B, Ac.0.02 guntas in Survey No.273/B, Ac.0.01 guntas in Survey No.274/B, Ac.0.01 guntas in Survey No.275/B, Ac.0.08 guntas in Survey No.266/A of Thimmapuram Village, Hanumakonda Mandal, Warangal District, wherein the petitioner had half share in the said properties along with his brother Kandagatla Prakash, who is the 4th respondent herein. The petitioner filed O.S.No.197 of 2014 for partition and separate possession against the 4th respondent, which is pending on the file of the I Additional District Judge, at Warangal, but the brother of the petitioner alleged to have authorized Miryala Sriunivas to sell the property including the share of the petitioner. The petitioner also made a request with the respondent authorities not to accord permission for alleged purchases since the suit is pending, but the respondent authorities accorded permission for construction in consultation with Kakatiya Urban Development Authority, Warangal, on the wrong representations made by some persons.

4. The main grievance of the petitioner is that the petitioner made a representation to the respondent authorities on 11.05.2017, requesting to cancel the permissions and take action for demolition of the structures raised in the subject

property, but so far, the respondent authorities have not taken any action on the said representation and the same is pending.

5. When the matter is taken up for hearing, it is informed by the learned Standing Counsel for the respondent authorities that the petitioner can prefer a fresh representation to the respondent authorities and on submission of such representation, the respondent authorities will consider the same and pass appropriate orders, in accordance with law.

6. Recording the said submission, the Writ Petition is disposed of directing the petitioner to submit a fresh representation to the respondent authorities with regard to his grievance on or before 20.07.2017 and on submission of such representation, the respondent authorities are directed to consider the same and after affording reasonable opportunity to the 4th respondent, pass appropriate orders, as expeditiously as possible, in accordance with law, and communicate the decision to the petitioner. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

RAJA ELANGO, J

Date: 11th July, 2017

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