

HON'BLE SRI JUSTICE S.V.BHATT

W.P. No.31762 OF 2011

ORDER:

Heard Mr.Satya Prasad, learned senior counsel for petitioner, the Assistant Government Pleader (Panchayat Raj) for respondent Nos. 1 to 3, 5 to 8, Mr.Narender Reddy for respondent No.13 and Mr.Rathanga Pani Reddy for respondent Nos.9 to 12.

The petitioner prays for Mandamus directing respondent Nos. 1 to 8 to remove illegal constructions raised by respondent Nos.9 to 12 by encroaching 20' existing road located on the southern side of H. Nos.7-21, 7-24, 7-25 and 7-26 in Dasaigudem Gram Panchayat, Suryapet Mandal, Nalgonda District and restore the road.

The petitioner is compelled to pray for the above prayer, for according to him, the 13th respondent in spite of issuing notice dated 28.08.2010 has not proceeded to enquire into the illegal constructions referred to in the notice dated 28.08.2010 much less passed order removing the encroachment.

The 6th and the 7th respondents have filed counter affidavit explaining the various steps taken from time to time and the difficulty encountered by these respondents in concluding the enquiry initiated through notice dated 28.08.2010.

After perusing the stand taken by respondent Nos.6 and 7, this Court *prima facie* is of the view that the 13th respondent, which has issued the notice, can be directed to afford opportunity to petitioner and respondent Nos.9 to 12, consider their representation/explanation, decide the issue and take such other step or further steps as are warranted for removing the

encroachment, subject to the outcome of its decision. Mr.Rathanga Pani Reddy representing respondent Nos.9 to 12 submits that this Court ought not to consider the merits of the case either of petitioner or respondent Nos.9 to 12. He further submits that respondent Nos.9 to 12 will cooperate with 13th respondent for conducting enquiry, and 13th respondent may be directed to complete the enquiry within reasonable period. The statement of Mr.Rathanga Pani Reddy is accepted and recorded.

Having regard to the above circumstances, I am satisfied that the writ petition ordered as follows:

The petitioner is given liberty to represent to respondent Nos. 6, 7 and 13 by enclosing a copy of this order within four weeks from today requesting for removing the alleged encroachment by respondent Nos.9 to 12. The 13th respondent is directed to issue notice to respondent Nos.9 to 12, conduct enquiry as the circumstances warrant, if necessary, take the assistance of respondent Nos.6 and 7 and pass orders within two months thereafter. If the 13th respondent identifies the constructions undertaken by respondent Nos.9 to 12 as illegal constructions, it is needless to observe that with the passing of the order further steps for removing the encroachment are also taken.

The writ petition is ordered as indicated above. No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

S.V.BHATT,J

Date:07.03.2017
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