

**HON'BLE SRI JUSTICE A.RAJASHEKER REDDY**

**WRIT PETITION No.24698 OF 2012**

**ORDER :**

The case of the petitioner is that he is a resident of Muslimwada of Kodimial Village and Mandal of Karimnagar District and there was a road width of 15 feet to go to their locality in Kodimial village. While so, when the 3<sup>rd</sup> respondent is proceeding with construction by occupying the aforesaid 15 feet road, without taking any permission from the 1<sup>st</sup> and 2<sup>nd</sup> respondents, the petitioner along with other inhabitants of the said locality filed a complaint before the 1<sup>st</sup> and 2<sup>nd</sup> respondents on 01.08.2012. Though the said complaint is received and acknowledged by respondents 1 and 2, no action is being taken on the same. Aggrieved by the same, present writ petition is filed.

The 1<sup>st</sup> respondent filed counter affidavit stating that there was a road width 15 feet to go to the locality of Muslimwada in Kodimial village, but it is not true that the 3<sup>rd</sup> respondent is proceeding with the construction illegally without obtaining any permission from the Gram Panchayat. In fact when the 3<sup>rd</sup> respondent made application to the Gram Panchayat for grant of permission for construction of the house in his site, a publication was made by the Gram Panchayat on 14.02.2012 calling for the objections from the locality people, and on 27.02.2012 an objection petition was filed by the petitioner and others. Basing on the said objection petition, inspection was

conducted on 05.03.2012 and petitioner and others were requested to submit the documents with reference to their objections. But, since the petitioner and others failed to submit any documents, a resolution was passed by the Gram Panchayat on 01.07.2012 granting permission to the 3<sup>rd</sup> respondent. Thereafter, on 10.07.2012 a further notice was issued to the petitioner and others to submit documentary proof on or before 13.07.2012 with regard to their objections. But, the petitioner and others failed to submit any documentary proof to the gram panchayat. While the matter stood thus, the petitioner and others made yet another representation on 01.8.2012. Since the petitioner and others failed to submit any documents, the Gram Panchayat has granted permission on 13.08.2012 vide proceedings No.A2/GPK/65/GPK-2012, dated 13.08.2012 basing on the resolution of the Gram Panchayat dated 01.07.2012. As such, it is stated that the 3<sup>rd</sup> respondent is constructing the house strictly in accordance with the permission granted by the Gram Panchayat and sought for dismissal of the writ petition.

The petitioner filed reply affidavit reiterating the averments stated in the writ affidavit.

Heard learned counsel for the petitioner and Sri G.Narender Reddy, learned Standing Counsel for the 1<sup>st</sup> respondent.

It is to be seen that the writ petition is filed without knowing the fact that the 3<sup>rd</sup> respondent was granted construction permission. The 1<sup>st</sup> respondent filed counter affidavit specifically stating that the 3<sup>rd</sup> respondent was granted permission only after calling for objections from the locality people; that though the petitioner along with other locality people filed objection petition, they failed to furnish any documents in support of their objections. The same was not disputed in the reply affidavit by the petitioner. When petitioner is failed to file documentary proof in support of his objections, it cannot be said that the objections of the petitioner were not considered. Moreso, the writ petition itself is filed stating that the 3<sup>rd</sup> respondent without obtaining any permission is proceeding with construction illegally, which is false as the 3<sup>rd</sup> respondent was granted permission. In view of the same and since the petitioner has no documentary evidence in support of his contentions, I do not see any merits in the writ petition.

Accordingly, the writ petition is dismissed. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any pending in the writ petition, shall stand closed.

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**A.RAJASHEKER REDDY, J**

12.06.2017  
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