

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No. 29411 of 2017

Order:

Heard learned counsel for the petitioner, learned Government Pleader for the respondents 1 and 2 and learned Standing Counsel for the respondents 3 and 4. In view of disposal of the Writ Petition in the manner indicated hereunder the notice to the fifth respondent is dispensed with.

The petitioner claims that she is the owner and possessor of House No.1-88, situated at Nazdik Singaram village, Yacharam Mandal, Ranga Reddy district. The property is an ancestral property and her name was mutated in the Panchayat records also. When she applied for construction of a new house after demolition of old house, the Gram Panchayat granted permission on 22.12.2000, but within the period granted by the Gram Panchayat the construction was not completed. Hence, she sought renewal of the same. The renewal was granted on 27.05.2006. After granting renewal, building was completed. While so, the third respondent issued a notice on 12.07.2016 alleging that the house was constructed without permission and by encroaching Grama Kantam land. The petitioner was asked to explain within seven (7) days. Accordingly, the petitioner submitted her reply on 14.07.2016. In spite of reply, when there was interference with the property, the petitioner filed W.P.No.37520 of 2016 and this Court disposed of the said Writ Petition by directing the third respondent to pass final order pursuant to the show cause notice dated 12.07.2016. Accordingly, the third respondent passed an order on 19.11.2016 holding that the building was constructed in Grama Kantam land. Challenging the said order dated 19.11.2016, the

petitioner filed W.P.No.42835 of 2016 and the said Writ Petition was disposed of on 08.12.2016 giving liberty to the petitioner to file an appeal. Accordingly, the petitioner filed an appeal before the Gram Panchayat on 23.12.2016. Without disposing of the appeal, when an order was passed by the third respondent on 04.03.2017, reiterating the earlier allegation that the petitioner constructed the house by encroaching the Grama Kantam land, the present Writ Petition is filed.

When an appeal is pending before the third respondent challenging the order dated 19.11.2016, without disposing of the appeal, the third respondent should not have passed the impugned order dated 04.03.2017. In the circumstances, if no orders were passed on the appeal filed by the petitioner challenging the order dated 19.11.2016, the same shall be heard and an opportunity should be given to the petitioner to put forward her case and pass final order thereon within a period of thirty (30) days from the date of receipt of a copy of this order. Till such time, the constructed building shall not be interfered with by the third respondent.

The Writ Petition is, accordingly, disposed of. There shall be no order as to costs.

As a sequel thereto, the miscellaneous petitions pending in this Writ Petition, if any, shall stand closed.

A. RAMALINGESWARA RAO, J

Date: 31.08.2017
Nsr