

THE HON' BLE SRI JUSTICE M. SEETHARAMA MURTI

Writ Petition No.36044 of 2017

ORDER:

This Writ petition, under Article 226 of the Constitution of India, is filed seeking verbatim the following relief:

'..to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the inaction of the Respondents No.2 to 5 herein in initiating appropriate action on the representations of the petitioner dt.10.07.2017 and 16.08.2017, as highly illegal, arbitrary, malafide, unconstitutional, and to consequently direct the respondents no.2 to 5 herein to forthwith consider petitioner's representations dt.10.07.2017 and 16.08.2017 and initiate appropriate action against Respondents no.6 & 7 for illegally encroaching and high handedly grabbing the land belonging to the 3rd respondent herein situated in Sy.No.296 of Samireddy Village, Penumuru Mandal, Chittoor District, effecting the ingress and egress of the petitioners herein into petitioners own land to an extent of more than 1 ½ acre situated in and around Sy.No.296 of Samireddy Village, Penumuru Mandal, Chittoor District and to pass such other order or orders....'

I have heard the submissions of the learned counsel for the petitioners; learned Government Pleader representing the 1st respondent; learned standing counsel representing the 2nd respondent; and, learned Government Pleader representing the respondents 3 & 4. I have perused the material record.

At the hearing, learned counsel for the petitioners would submit that the only grievance of the petitioners is the non consideration of their representations, dated 10.07.2017 and 16.08.2017, and non initiation of action by the official respondents 1 to 5 against respondents 6 & 7, who have illegally and high handedly grabbed the land belonging to the Government/2nd respondent Devasthanam situated in Survey No.296 of Samireddy village. Their further submission is that the respondents 6 & 7 not only grabbed the land but also caused obstruction for ingress and egress into the land of more than 1 ½ acres situated in and around the said survey number of the said village.

Having stated so, she requests the Court to dispose of the writ petition giving appropriate directions to the respondents 3 & 4 for disposal of the representations of the petitioners.

Learned Government Pleaders and the learned standing counsel endorsed the said request of the learned counsel for the petitioner.

In that view of the matter, this Court is of the considered view that the writ petition can be disposed of, at the stage of admission, without notices to the respondents 6 & 7.

Accordingly, the Writ Petition is disposed of directing the respondents 2 to 5 to forthwith consider the representations, dated 10.07.2017 and 16.08.2017, of the petitioners and pass appropriate orders, within three (03) weeks from the date of receipt of a copy of this order, in strict accordance with the procedure established by law, however, after affording an opportunity of hearing to the petitioners and the respondents 6 & 7 and other stakeholders, if any, as well, and communicate the decision taken on the representations of the petitioners to them within a week thereafter.

There shall be no order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

M. Seetharama Murthi, J

01.11.2017
Vjl