

HON'BLE SRI JUSTICE S.V.BHATT

W.P.No.10425 OF 2017

ORDER:

Heard Mr.P.Lakshma Reddy, for petitioner, Ms.Ayesha Saba, holding for Mr.V.Raghunath, counsel for respondent Nos.5 and 6, Mr.Ramachandra Reddy, holding for Mr.G.Narender Reddy, standing counsel for respondent No.4 and Ms.Jyothi Kiran for 3rd respondent.

The petitioner complains against the inaction of respondent Nos.2 to 4 in acting against the illegal construction undertaken by respondent Nos. 5 and 6 for the property covered by H.Nos.4-52 and 4-51/2 at Malkapoor Thanda, Nizamabad Mandal and District, particularly without obtaining permission from respondent No.4, as illegal, arbitrary and amounts to refusing to exercise the jurisdiction conferred on them.

On 24.03.2017, this Court was persuaded to grant interim direction on the helplessness pleaded by the Secretary of 4th respondent - Gram Panchayat in controlling the alleged illegal construction undertaken by respondent Nos. 5 and 6. The order reads as follows:

“It is stated by the learned standing counsel that despite notices given by the Gram Panchayat, respondent Nos.5 and 6 are not stopping the illegal constructions.

In that view of the matter, there shall be an interim direction as prayed for.

Notice”.

Respondent Nos.5 and 6 filed counter affidavit denying each one of the allegations made against them and respondent Nos.5

and 6 also rely on the permission granted by the Village Secretary dated 11.05.2017 to stay clear from the accusation that the building is constructed without permission.

Mr.Lakshma Reddy contends that assuming without admitting that permission is granted by the Village Secretary of 4th respondent-Gram Panchayat, the permission certainly is *ex post facto* to the date of filing of the writ petition. His further objection is that the building constructed by respondent Nos.5 and 6 does not conform to this sanctioned plan. These assertions are denied by the counsel for respondent Nos.5 and 6. From the above narration, it is clear that in a prayer made complaining inaction, this Court is called upon to decide the primary issues which are supposed to be adverted to by 4th respondent under the supervision of 3rd respondent and orders are passed in accordance with law.

This Court is not persuaded to take up the issues, though some effort is made by the counsel appearing for all the parties. However, to meet the ends of justice and also to ensure that the construction in existence in H.Nos.4-52 and 4-51/2 conforms to law and the conditions with which the permission is granted, the writ petition is disposed of by this order:

- a) the petitioner is given liberty to represent to respondent Nos.3 and 4 by enclosing a copy of this order on all the alleged commissions and omissions the petitioner has grievance vis-à-vis the construction undertaken by respondent Nos.5 and 6;

- b) on receipt of representation, the 3rd and 4th respondents are directed to enquire into, afford opportunity to respondent Nos.5 and 6 and also petitioner and pass orders within six weeks from the date of receipt of representation;
- c) the parties are directed to maintain *status quo* as on today in all aspects for a period of six weeks from today; and
- d) to ensure adherence to the *status quo* of this Court, the petitioner as well as respondent No.4 are at liberty to take photographs of the present structures, and use it appropriately, if circumstances warrant.

There shall be no order as to costs.

Miscellaneous petitions, if any, pending, shall stand closed.

19th March, 2018

Lrkm

S. V. BHATT, J

