

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE SRI JUSTICE N.BALAYOGI

Writ Appeal No.330 of 2018

JUDGMENT: {Per the Hon'ble the Acting Chief Justice Ramesh Ranganathan}

This appeal, under Clause 15 of the Letters Patent, is preferred against the order passed by the Learned Single Judge in W.P.No.2191 of 2018 dated 25.01.2018. The appellant herein filed the writ petition seeking a mandamus to declare the inaction of the Panchayat Secretary, Turkayamzal Panchayat (2nd respondent herein), in taking action on the complaint made by him on 06.01.2018 regarding the unauthorized construction being made by the unofficial respondents as arbitrary and illegal.

In the order under appeal, the Learned Single Judge noted that there were civil disputes between the appellant-writ petitioner on the one hand and the unofficial respondents on the other, and proceedings were pending before the Civil Court; and the present complaint was yet another method used to settle their private disputes. Since the appellant-writ petitioner had already invoked the jurisdiction of the Civil Court, the Learned Single Judge expressed his disinclination to exercise discretion, under Article 226 of the Constitution of India, since the remedy thereunder was extra-ordinary.

When the appeal came up for admission today, Sri G.Narender Reddy, learned Standing Counsel for the 2nd respondent, on instructions, states that permission was sought by the unofficial respondents for construction of the second floor of the building; and the Gram Panchayat has granted permission for such construction.

Sri P.Ananth Nageswar Rao, learned counsel for the appellant-writ petitioner, would submit that it would suffice if the submission of the learned Standing Counsel is recorded, and the Writ Appeal is closed.

Placing on record the submission of Sri G.Narender Reddy, learned Standing Counsel for the 2nd respondent, that permission was granted by the Gram Panchayat to the unofficial respondents to construct the second floor of the building, and in as much as the appellant-writ petitioner's complaint to the contrary is evidently unfounded, the Writ Appeal is closed.

Miscellaneous petitions pending, if any, shall also stand closed.
There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

08th March, 2018
JSU



(N.BALAYOGI, J)

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