

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY
WRIT PETITION Nos 13071 and 16294 OF 2019

COMMON ORDER:

WP.No.13071 of 2019 is filed with the following prayer:

“ to issue a Writ of Mandamus or any other appropriate Writ, Order or Orders, Direction or Directions to declare the inaction of the 3rd respondent in not proceeding against the 6th and 7th respondents for having commenced construction of compound wall in the land admeasuring Ac.4.7½ Gts. situated in Sy.No.48, Bommakal Shivar, Karimnagar Mandal, Karimnagar District under the provisions of the Telangana Gram Panchayat Land Development (Layout & Building) Rules, 2002 as illegal, arbitrary and unconstitutional and to issue a consequential direction to the 3rd and 4th respondents to cause demolition of the wall constructed by the 6th and 7th respondents in the Ac.4.7 ½ Gts. situated in Sy.No.48, Bommakal Shivar, Karimnagar Mandal, Karimnagar District under the provisions of the Telangana Gram Panchayat Land Development (Layout & Building) Rules,2002 and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

In pursuance of the same, the respondent-Grampanchayat issued show cause notice dated 16-07-2019 against respondents 6 and 7 in WP.No.13071 of 2019. Impugning the said notice, the WP.No.16294 of

2019 is filed by respondents 6 and 7. Though both counsel appearing in both writ petitions raised several contentions, but the fact remains that in pursuance to the orders passed in WP.No.13071 of 2019 on 28-06-2019 leaving it open to official respondents to take action in accordance with law, the official respondents issued impugned show-cause notice dated 16-07-2019 against respondents 6 and 7, who are petitioners in WP.No.16294 of 2019. As such, the petitioners in WP.No.16294 of 2019 can raise all their contentions which are raised in the writ petition against the said notice by way of filing explanation. But without submitting the explanation, they filed the writ petition.

Learned counsel for the petitioners in WP.No.16294 of 2019 says that already the petitioners were granted permission and in pursuance of the same, they constructed the shed and compound wall.

These factual aspects can be stated before the Grampanchayat by filing explanation by petitioners in WP.No.16294 of 2019 and the concerned Grampanchayat to consider the same after putting on notice both parties and take a decision.

In view of the same, it is open for the both parties to raise all the contentions raised in the writ petitions

before respondent-Grampanchayat by filing explanation within a period of four weeks and thereafter respondent-Grampanchayat to consider the same in accordance with law and pass orders after affording opportunity of hearing to the parties. The above exercise shall be carried out within a period of four weeks from the date of receipt of explanation. Till then, the interim order granted in WP.No.16294 of 2019 shall stand continue.

Accordingly, both writ petitions are disposed of. Pending miscellaneous applications if any shall stand closed.

A.RAJASHEKER REDDY,J

27-09-2019

Nvl





