

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.48151 of 2018

ORDER:

The prayer of the petitioner in this case reads as under:

'For the reasons stated in the accompanying affidavit, this Hon'ble Court may be pleased to issue an order or direction more particularly one in the nature of writ of mandamus or any other appropriate writ declaring the action of the respondents No.3 and 4 in not taking any action against the illegal construction which is being made by the respondent No.5 in Sy. No.675/A in Ramnagar locality of Nandipet Village and Mandal, occupying the public road even though the respondents No.3 and 4 issued show cause notice on 24.11.2018, is nothing but arbitrary, illegal, null and void and violative of principles of natural justice and also violative of the provisions of the Telangana Panchayath Raj Act and rules framed thereunder and also violative of Articles 14, 19 and 21 of Constitution of India. Consequently direct the respondents No.3 and 4 to take necessary action against the illegal construction which is being made by the respondent No.5 occupying the public road in Sy.No.675/A, Ramnagar locality of Nandipet Village and Mandel basing on the show cause notice dated 24.11.2018 and complaint filed by the petitioner dated 18.11.2018 and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the interest of justice.'

As this Court does not propose to go into the merits of the matter at this stage and it would be within the domain of the authority concerned to first look into the issue, this Court sees no necessity to put the fifth respondent on notice or afford him an opportunity of hearing.

It appears that basing on the complaint dated 18.11.2018 made by the petitioner, the Nandipet Gram Panchayat, Nizamabad District, the fourth respondent, has already issued a notice to the fifth respondent calling upon him to submit his explanation. That being so, it is for the fourth respondent-Gram Panchayat to pursue the matter to its logical end after giving an opportunity of hearing to all parties concerned.

The writ petition is accordingly disposed of directing the fourth respondent-Gram Panchayat to take appropriate action in accordance with law pursuant to its notice dated 24.11.2018 after giving due opportunity of hearing to all parties concerned. This exercise shall be completed expeditiously and in any event, not later than two months from the date of receipt of a copy of this order.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE SANJAY KUMAR

Date:03.01.2019

PGS

