

THE HON'BLE SRI JUSTICE P.KESHA RAO

WRIT PETITION No.2315 OF 2020

ORDER:

Heard the learned counsel for the petitioner as well as the learned standing counsel appearing for the second respondent Municipality, learned Government Pleader appearing for respondents 3 to 7 and the learned counsel appearing for respondents 10 to 14.

2. The prayer sought in the writ petition is as under:

'For the reasons stated in the accompanying affidavit it is prayed that this Hon'ble Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the inaction of the respondents 2 to 7 in preventing the illegal constructions of respondents No.8 to 15 is illegal, arbitrary and principles of natural justice and consequently direct the respondents to prevent the illegal constructions in the land in Sy.No.275/AA admeasuring Ac.0.05½ gts situated in Ameenpur Village and Mandal, Sangareddy District or to pass necessary order or orders as this Hon'ble Court may deem fit and proper.'

3. The main grievance of the petitioner in the present writ petition is that respondents 2 to 7 have not prevented the illegal constructions that are being made by respondents 8 to 15 in the subject property, is arbitrary and against the principles of natural justice.

4. Learned counsel appearing for respondents 10 to 14 submits that the petitioner's land is in Sy.No.275/AA and whereas the land of the respondents 10 to 14 is in Sy.No.276/A2. Therefore, the extents are separate and distinct and not connected to each other.

5. However, learned counsel appearing for the petitioner submits that the petitioner had submitted a representation dated 27.11.2019 and got issued a legal notice dated 15.11.2019 to respondents 2 and 3 requesting the authorities to take appropriate legal action against respondents 5 to 15. In spite of the receipt of the said representation as well as the legal notice, respondents 2 and 3 are not taking any action.

6. Having heard the learned counsel and from the perusal of the material on record, it is revealed that the land in which the petitioner is claiming rights is a separate one from the land in which unofficial respondents are in possession, as stated *supra*. Therefore, the said aspect cannot be looked into by the second respondent to decide as to who is the owner of the property and whether constructions are being made in Sy.No.275/AA or in Sy.No.276/A2.

7. Therefore, respondents 2 and 3 are directed to consider the representation dated 27.11.2019 and legal notice dated 15.11.2019 got issued by the petitioner and pass appropriate orders as per law after affording an opportunity of hearing to the unofficial respondents 8 to 14, within a period of three weeks from the date of receipt of a copy of the order. Respondents 2 and 3 are also further directed to take the assistance of the Survey Department for locating the subject land.

8. With the above said observation, the writ petition is disposed of. Pending miscellaneous petitions, if any, shall stand closed. No order as to costs.

JUSTICE P.KESHAVA RAO

Date: 11.02.2020
PGS

