

THE HON'BLE SRI JUSTICE P.KESHA RAO

WRIT PETITION No.2368 OF 2020

ORDER:

Heard the learned counsel for the petitioners as well as the learned standing counsel appearing for third respondent Municipality.

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

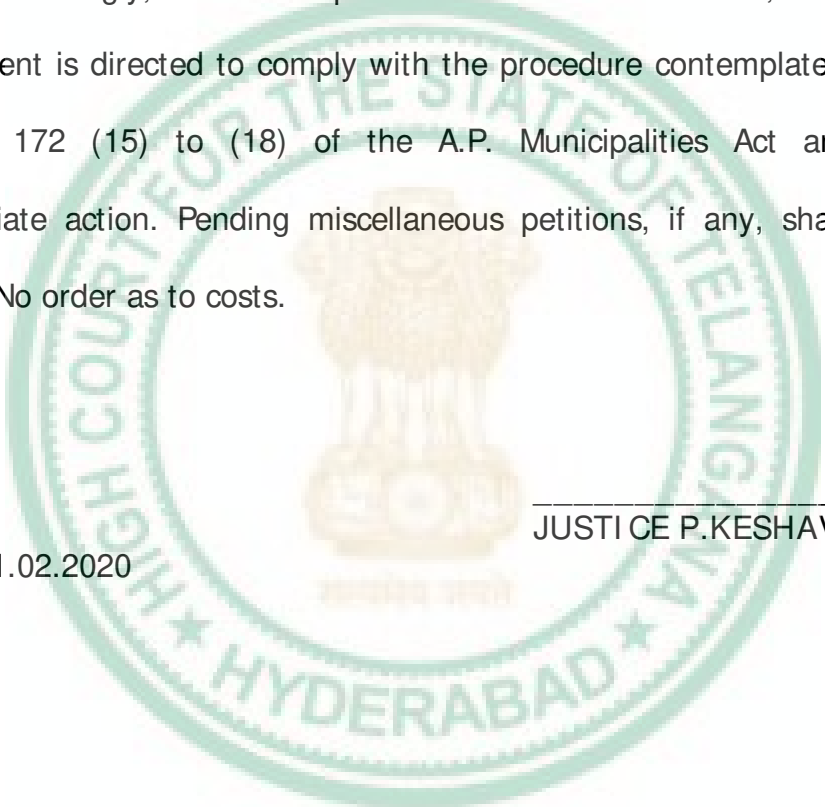
'For the reasons stated in the accompanying affidavit, it is therefore, prayed that this Hon'ble Court may be pleased to issue any appropriate writ, order or direction one more particularly one in the nature of Writ of Mandamus declaring the inaction of Respondent No.2 to 4 in initiating action against the illegal and unapproved layout being undertaken by respondent No.6 to 9 in an agricultural land to an extent of 0-27 guntas identified by Sy.No. 243 situated at Gajulpet shivar of Nirmal Mandal, Dist: Nirmal, Bounded by: East: Road; West: Land in Sy.No.244; North: Land in Sy.No.244; South: Part of land in Sy.No.243, as being illegal, arbitrary and unconstitutional and consequently direct the Respondents No.2 to 4 to take action as per Section 172 of the Telangana Municipalities Act, 2019 and pass such other Order or Order/s as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.'

3. Learned standing counsel appearing for the third respondent Municipality placed on record the written instructions dated 08.02.2020 issued by the Commissioner, Nirmal Municipality. From the perusal of the said written instructions, it is revealed that on the objection petition filed by the first petitioner, the Commissioner as well as the Town Planning Staff inspected the spot and enquired on the issue. They have noticed that some persons made illegal layout in an extent of Ac.1.13 guntas in Sy.No.243. On the illegal layout made by the said persons, the second respondent and the Town Planning Staff removed the stones fixed on the

plots on 08.02.2020. It is also further mentioned in the said written instructions that the persons who made illegal layout is not known and are not present on the spot. Therefore, on the objection petition filed by the first petitioner, action had been taken by removing all the stones on the illegal layout in an extent of Ac.1.13 guntas in Sy.No.243.

4. In the light of the said specific instructions, this Court is of the opinion no further cause would survive in the writ petition.

5. Accordingly, the writ petition is closed. However, the third respondent is directed to comply with the procedure contemplated under Section 172 (15) to (18) of the A.P. Municipalities Act and take appropriate action. Pending miscellaneous petitions, if any, shall stand closed. No order as to costs.



JUSTICE P.KESHAVA RAO

Date: 11.02.2020

PGS