

THE HON'BLE SRI JUSTICE T.VINOD KUMAR

WRIT PETITION No.23042 of 2019

ORDER:

The present Writ Petition is filed to declare the action of 1st respondent in issuing memo No.A1/145/2019 dated 07.07.2019, as illegal, arbitrary and contrary to the orders of this Court in W.P. No.9066 of 2011 as affirmed in W.A. No.933 of 2013.

2. Heard Sri M. Ramalingeswara Reddy, learned Counsel for the petitioner, learned Government Pleader for Panchayat Raj, learned Standing Counsel for Gram Panchayat and Sri V. Jagapathi, learned Counsel representing unofficial respondent Nos. 5 and 6.

3. From the counter affidavit filed on behalf of the 1st respondent, it is seen that the 1st respondent authority subsequent to the issuing of the impugned memo has deferred further proceedings on the said notice issued, since a civil suit in O.S. No.46 of 2016 filed by the unofficial respondents in the present Writ Petition is pending before the Court of Principal Junior Civil Judge, Alampur. Learned Counsel appearing for the unofficial respondents filed a memo whereby it is brought to the notice of this Court that the plaintiffs in the said suit i.e., respondent Nos. 5 and 6 in the present proceedings have withdrawn the said suit on 18.11.2019.

4. Having regard to the fact that the 1st respondent authority has deferred further proceeding in pursuance of the memo issued dated 07.07.2019, taking note of the pendency of the civil suit, and

since the same now stands withdrawn, the 1st respondent authority shall proceed further on the basis of the memo issued by taking note of the explanation offered by the petitioner and also any further explanation that may be offered by the petitioner hereafter within a period of two weeks from today and after affording an opportunity of hearing to the petitioner as well as to the complainant and take further action on the basis of the said memo in accordance with law. It is also made clear that in the event the said authority intends to have the land surveyed in order to determine as to whether the petitioner has constructed house on the public road, the authority shall also take assistance of the surveyor for localization of the land. Since the authority has issued memo dated 07.07.2019 and no further action having been taken thereon, in view of the pendency of the suit as well as this Writ Petition, the authority shall endeavour to complete further action on the basis of the memo within a period of three months from the date of receipt of copy of the order. In the meantime *status quo* existing as on today shall be maintained.

4. Subject to the above observation, the Writ Petition is disposed of. No order as to costs.

6. As a sequel thereto, the miscellaneous petitions pending, if any, shall stand closed. No order as to costs.

JUSTICE T.VINOD KUMAR

Date: 18.02.2020

MRKR