

HONOURABLE SRI JUSTICE N.V.SHRAVAN KUMAR

WRIT PETITION No. 10081 OF 2015

ORDER:

Heard learned counsel for the petitioners and learned Government Pleader for Revenue.

2. This present writ petition is filed declaring the action of the respondent No.4 in not removing illegal constructions made by the respondent Nos.5 and 6 by encroaching the open place which is meant for community hall purpose in Sy.No 176, Gurimillagunta Colony, Nidjinha Village, Maddur Mandal, Mahabubnagar District as illegal, arbitrary and consequently to direct the respondent Nos. 2 to 4 to remove the illegal construction made by the respondent Nos. 5 and 6 by encroaching the open place which is meant for community hall purpose in Sy.No.176 Gurimillagunta Colony, Nidjinha Village, Maddur Mandal, Mahabubnagar District by considering the representation of the petitioner and other villagers dated 18.12.2014.

3. Learned counsel for the petitioners submits that in the year 1986 the Government acquired the land Sy.No.176 Gurimillagunta Colony, Nidjinta Village, Maddur Mandal, Mahabubnagar and made layout and allotted 60 plots to 60 families each 225.sq.yards and nearly 900 yards land was left for construction of community hall and the same was shown in the layout map.

4. Learned counsel for the petitioner further submits that respondent Nos.5 and 6 on 10.02.2013 tried to construct house in the open place which is kept for community hall. Learned counsel for the petitioners further submits that petitioner made representations dated 04.03.2013 and 25.03.2013 to respondent No.2 and there was no action, aggrieved by that the petitioner along with other villagers filed W.P.No.9513 of 2013 before this Court against respondent Nos. 2 to 4 therein in allotting plot (house site) to respondent No.6. This Court by order dated 21.09.2013 disposed the writ petition by giving liberty to the petitioner to file another writ petition by questioning the granting of patta in favour of respondent No.4 therein. Subsequent to the

order dated 21.09.2013 petitioner along with villagers filed WP.No.33317 of 2013 before this Court against granting house site patta in favour of respondent No.4 therein. Thereafter this Court by order dated 24.12.2013 disposed of the writ petition with direction to respondent to take action against any illegal construction on land earmarked for the community hall.

5. Learned counsel for the petitioner further submits that the petitioner made representation dated 18.12.2014 to respondent No.4 stating that the respondent Nos. 5 and 6 have again started construction of house in the open place which is kept for community hall and the same is still pending.

6. Learned counsel for the petitioners further submits that aggrieved by the action of respondent, petitioner filed the present writ petition before this Court and this Court by order dated 09.04.2015 granted the following order:-

“Issue show cause notice to the respondent Nos.5 and 6 as to why writ petition shall not be admitted and necessary orders shall not be passed against them.

Respondent Nos.3 and 4 shall show cause as to why the proceedings under both the Contempt of Court Act as well as under ether provisions for not implementing the orders of this Court dated 24.12.2013 be not taken.

This Court by an order dated 24.12.2013 in W.P.No.33317 of 2013 had directed the authorities to take necessary action and protect the land adjacent to the Plot No.61 and further directed to evict the respondents 5 and 6 within one month from the date of the order. It was also further directed if any constructions made by the respondents 5 and 6 they shall also be removed. The complaint of the petitioner is that in spite of the orders of this Court, the respondents 5 and 6 are being allowed to proceed with construction and no action has been taken. Respondents 2 to 4 shall file their specific affidavit that steps taken by them with respect to the orders passed by this Court on 24.12.2013. Such affidavit shall be filed on or before 27.04.215. If the affidavit is not filed by that time, respondent No.2 shall be present in the court on 01.05.2015 at 1.30 p.m.”.

7. Learned Government Pleader for Revenue submits that Respondent Nos.2 and 3 filed counter affidavit, stating the as per the orders dated 09.04.2015 in WP.No.10081 of 2015 of this Court,

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the Tahsildar, Maddur along with Sarpanch, Nidjinta Grampanchayat, villagers visited the spot on 22.04.2015 and found that the respondent No.5 has re-encroached land to an extent of 20 Feet x 40 Feet meant for community purpose and raised structures. The respondent No.5 has agreed before Sarpanch Nidjinta (V), villagers and the petitioner to remove the structures from the disputed land within (4) days. A copy of the Grampanchayat resolution was also file to the said extent.

8. Learned counsel for the petitioners submits that respondent No.5 has not removed the structures and further prays this Court to direct the respondent No.4 to consider the petitioners representation dated 18.12.2014 which is pending as on date.

9. Learned Government Pleader for Revenue appearing for respondents informs the Court that respondents would consider the petitioners' representation dated 18.12.2014 and take necessary action in accordance with law.

10. In view of the submissions made by learned counsel for the petitioners and learned Government Pleader for Revenue and without expressing any opinion on merits of the case, this writ petition is disposed of with a direction to the respondent No.4 to consider the petitioner's representation dated 18.12.2014 and take appropriate action, as expeditiously as possible, within a period of six (06) weeks from the date of receipt of this order and communicate the same to the petitioners. Since the construction made by respondent No.5 is illegal, respondent authorities are directed to implement the order dated 09.04.2015 of this Court and remove the structures as expeditiously as possible, within a period of six (06) weeks from the date of receipt of this order by duly putting concerned necessary parties on notice.

11. Accordingly, this writ petition is disposed of. Miscellaneous application, if any pending, shall stand closed. No order as to costs.

N.V.SHRAVAN KUMAR,J

20.09.2022
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