

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION No.41438 of 2022

O R D E R:

This writ petition is filed seeking the following relief:

“...to issue a Writ Order or Direction more particularly one in nature of Writ of MANDAMUS declaring the inaction of Respondents 1 and 2 in considering the Complaint/Representation of the Petitioner Dt 07-10-2020 and 01-11-2021 as bad in law and violative of Sections 120 86 121 of the Telangana Municipality Act 2019 and consequently direct the Respondent 1 and 2 to enquire/adjudicate the Complaint of the Petitioner Dt 07-10-2020 and 01-11-2021 by taking into consideration the description of the property of Writ Petitioner reflected in Certificate of Encumbrance on Property vide Application No 562 with Page No 1524 Dt 25-02-2009 and Pass...”

2. Learned counsel Sri B. Sudhakar Reddy for the petitioner submits that as nala was encroached by some persons, he gave a complaint on 16.09.2019 thereafter the respondent No.2 issued proceedings on October, 2020 instructing the respondent No.1 to enquire about the existence of nala on the other side of the petitioner's house. The respondent No.2 has directed the respondent No.1 to conduct comprehensive enquiry and submit a report but the respondent No.1 due to various reasons, did not conduct the enquiry till date. Thereafter

another representation dated 01.11.2021 was given by the petitioner but there is no response from the respondents.

3. Learned counsel for the petitioner further submits that duty is cost upon the respondents to consider the representations and pass appropriate orders.

4. Learned Standing Counsel Mr. M. Ram Mohan Reddy submits that basing on instructions of the respondent No.2, the respondent No.1 has inspected the site of both the petitioner and other party has attended at the time of the inspection. During the inspection, they have measured as per the approved building permission of the unofficial respondents who obtained the permission from the then Grama Panchayat and submitted the report to the respondent No.2, as per the report the plot of the unofficial respondent is as per the approved building permission issued by the Grama

Panchayat whereas as per the approved building permission of the unofficial respondent showing 9 feet disputed land towards northern side of the plot has been encroached by the petitioner himself. Nala and drain has not mentioned in both the documents. He submits that they have considered the representation as per the direction of respondent No.2 and submitted a report. It is submitted by the learned Standing Counsel that without making unofficial respondents as a party to this writ petition, the writ petition on this ground alone is not maintainable.

5. In the light of above submissions made on behalf of the either side, as the petitioner has given a subsequent representation to the respondents, taking into consideration the instructions submitted before this Court, by the respondents, the respondents shall consider the representations and shall pass appropriate orders within a period of four weeks from the date of

receipt of the copy of the order.

7. Miscellaneous applications, pending if any, shall stand closed.

Date:14.11.2022.
Prat/myk

LALITHA KANNEGANTI, J