

THE HON'BLE SRI JUSTICE RAVI CHEEMALAPATI

WRIT PETITION NO.18207 OF 2023

ORDER:

The present Writ Petition is filed by the petitioner under Article 226 of the Constitution of India seeking the following relief:

" pleased to issue a WRIT OF MANDAMUS or any other appropriate writ or order or other direction to DECLARE the action of the respondent officials in not taking appropriate action against the religious illegal construction being raised by the respondents No 5 and 6 in an extent of Ac 022 cents of agricultural land situated in S No 393/8 of Valasapalli village Musunuru mandalam Eluru district right in front of my house without obtaining permission/approval from the 2nd respondent competent authority and conducting religious activities in the same even without completing the construction and without obtaining necessary permissions inspite of the showcause notices issued by the respondent No 4 as illegal arbitrary unconstitutional and violation of the AP Panchayat Raj Act and AP Grama Panchayat Land Development Layout and Building Rules 2002 as also contrary to Articles 14 21 and 300A of Constitution of India and consequently command the Respondent officials to remove the unauthorized construction in the Government Land stated supra in the interest of the justice and pass. "

2. The short grievance of the petitioner is that though notice dated 04.02.2023 was served on the unofficial respondents 5 and 6 against their unauthorised constructions, so far no action has been taken. Hence, the present Writ Petition is filed.

3. Heard Sri J.V. Phaniduth, learned counsel for petitioner, Sri N. Sri Hari, learned Standing Counsel for ZPPs, MPPs and Grama Panchayats and learned Assistant Government Pleader for Panchayat Raj Department.

4. Learned counsel for the petitioner, in elaboration to what has been stated in the affidavit contended that, though notice dated 04.02.2023 was issued to the unofficial respondents, so far they have not removed the unauthorised constructions so made by them. As such, the present Writ Petition is filed.

5. On the other hand, learned Assistant Government Pleader for Panchayat Raj and learned Standing Counsel collectively submitted on their respective instructions dated 27.07.2023 wherein it is stated that the authorities are taking steps in accordance with law and prayed to dispose of the Writ Petition.

6. In reply, learned counsel for the petitioner submitted that the said submission may be recorded and the Writ Petition may be disposed of accordingly.

7. Perused the record.

8. As could be seen from the instructions placed on record, the respondent-authorities are contemplating to take steps against the unauthorised constructions made by the unofficial respondent and hence, there is no purpose in keeping this Writ petition pending and as no positive direction is being given by this Court, notice is not required to be served on the unofficial respondents.

9. In view of the same, this Court is inclined to dispose of this Writ Petition with the following direction:

The respondent-authorities are directed to take steps in accordance with law against the unauthorised constructions if so made by the unofficial respondents, by putting them on notice and providing an opportunity of hearing. The said exercise shall be completed within a period of three (03) months.

Accordingly, the Writ Petition is **disposed of**.

There shall be no order as to costs.

Miscellaneous applications, pending if any, shall stand closed.

JUSTICE RAVI CHEEMALAPATI

28th July, 2023.

GBS