

THE HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION No.2426 of 2016

ORDER:

This Writ Petition is filed under Article 226 of the Constitution of India seeking the following relief:

“to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of respondent Nos.2 to 4 in not removing the encroachments made by 5th respondent on the public road in Durga Nagar, Saibaba temple street of 10th ward in Akiveedu Village, inspite of petitioner’s representation dated 21.03.2013 and 09.11.2015 as illegal, irregular and in violative of the provisions of the Panchayath Raj Act 1994 and Rules framed there under and also offends under Articles 14, 21 of the Constitution of India and consequently direct the respondents to lay CC road by removing the encroachments made by the 5th respondent and to pass such other order or orders.”

2. Heard the learned counsel for the petitioners and the learned Standing Counsel for the respondents.

3. Learned counsel for the petitioner submits that even though the petitioner requested for removal of encroachments by way of representations dated 21.05.2013 and 09.11.2015, the respondents not acted upon. Hence, the present Writ Petition.

4. On the other hand, learned Standing Counsel for the Gram Panchayat/4th respondent filed counter affidavit, wherein

it is stated that the encroachments as alleged by the petitioner were removed. In view of the removal of the encroachments of the 5th respondent, no further orders are necessary. For which the learned Standing Counsel also filed a notice issued to the 5th respondent dated 10.02.2016 and also photographs removing the encroachments along with the counter affidavit. In view of the same, the claim of the petitioner was redressed.

5. Having regard to the submissions made by both the learned counsel and on perusal of the material placed on record, as the Gram Panchayat removed the unauthorized encroachments made by the 5th respondent as claimed by the petitioner herein, no further orders are necessary in this Writ Petition. Accordingly, the Writ Petition is dismissed. However, if any encroachments are found the petitioner is at liberty to submit a proper representation to the 4th respondent/Gram Panchayat which is converted as Nagar Panchayat. There shall be no order as to costs.

Consequently, Miscellaneous Petitions, if any, pending in the writ petition shall stand closed.

VENKATESWARLU NIMMAGADDA, J

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