

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.13884 of 2011

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 in the nature of Writ of Mandamus directing the respondents, more particularly 4th respondent, to consider and dispose of the representation dated 30.04.2011 submitted by the petitioner for taking action against the respondent Nos.5 to 18, who have commenced the construction work illegally by raising pillars over the land bearing Sy.No.165 of an extent of Ac.1-37 guntas situated at Choutuppal village and Mandal, Nalgonda District, without obtaining any permission from the Grampanchayat as required under Section 121 of the A.P.Panchayat Raj Act, 1994 by duly declaring the inaction on the part of the 4th respondent in taking action against the respondent Nos.5 to 18 for the illegal constructions undertaken by them under the provisions of the A.P.Panchayat Raj Act, as illegal, arbitrary and contrary to the provisions of the A.P.Panchayat Raj Act, 1994."

The case of the petitioner is that he has purchased the land in Sy.No.165 of an extent of Ac.1-37 guntas situated at Choutuppal village and Mandal, Nalgonda District under an agreement of sale dated 26.02.2000 by paying the total sale consideration and obtained registered GPA vide document No.8/IV/2001 dated 24.02.2001 and the possession was also handed over by him. While being subsistence of the above GPA, respondent Nos.5 to 18 purchased the said property in the said survey number from various persons. The petitioner also filed a suit since the respondent Nos.5 to 18 have commenced construction work by digging the land and raising pillars, etc., without any permission from the Grampanchayat as required under the provisions of the A.P.Panchayat Raj Act, 1994. Against the same, the petitioner made a complaint on 30.04.2011 before the respondent Nos.2 to 4 to take action against the respondent Nos.5 to 18 under the A.P.Panchayat Raj Act,

1994 and the Rules framed thereunder. As no action is taken by the respondent Nos.2 to 4 against the respondent Nos.5 to 18, the present writ petition is filed.

Counter is filed by the 4th respondent stating that the petitioner made representation to the Grampanchayat on 30.04.2011 for taking action against the respondent Nos.5 to 18, who alleged to have commenced construction work illegally by raising pillars over the land in Sy.No.165 to an extent of Ac.1-37 guntas, and the Grampanchayat had given a reply for the same on 04.05.2011 asking the petitioner to furnish details of the illegal constructions which are being made by the respondent Nos.5 to 18 in the said land, but the petitioner did not furnish any particulars. It is further stated that it is purely a civil dispute between the petitioner and the respondent Nos.5 to 18 and the Grampanchayat people also physically verified the disputed area and found no constructions in that area.

Unofficial respondent Nos.7 to 13 and 16 to 18 have also filed a counter claiming that the 5th respondent purchased an extent of 80 square yards from Surakanti Yadamma and Surakanti Venkat Reddy through a registered sale deed and the respondent Nos.5 to 13 also purchased plots from Bommidi Raghava Reddy, Pagilla Mohan Reddy and Goshika Sumathi through registered sale deed bearing Nos.4192 of 2010, 4193 of 2010, 4194 of 2010 and 4247 of 2010 and all are in possession from the date of purchase. They have denied that the execution of gift deed in favour of respondent No.14 by S.Kanaka Reddy himself in his name for which the petitioner shall be put to strict proof of the same. They have also denied that the respondent Nos.16 and 17 purchased the property by the agreement of sale-cum-GPA for which the petitioner shall be put to strict proof of the same and moreover they purchased the plots by way of registered sale deeds bearing document Nos.1266 of 2011, 1692 of 2011, 1831 of 2011 by paying valuable sale consideration to Goshika Sumathi and Bommireddy Raghava Reddy and they are in continuous possession and enjoyment. As alleged by the petitioner himself that one of his principal namely Sura Narasimha Reddy alias Narsireddy was died as such his GPA still exist even after death of his principal. It is also stated that as per law, when one of principal dies, the existence of GPA will not have any validity. As such, the

relief of the petitioner claiming rights from the GPA ceased to end after death of his principal and the said GPA has no validity and they are the absolute owners and possessors of the same. They further stated that they have approached the concerned Grampanchayat for constructions and the Grampanchayat has to issue permission. In the meanwhile, the petitioner, in collusion with the Grampanchayat members to extract money from them, got filed the present writ petition.

Heard both sides.

In this case, the 4th respondent stated in the counter that the petitioner made a representation on 30.04.2011 to the Grampanchayat for taking action against the respondent Nos.5 to 18. The 4th respondent also stated that they have given reply on 04.05.2011 to the said representation of the petitioner asking him to furnish details of illegal constructions being commenced in the above said land, but he has not furnished any such details. It is also stated that the Grampanchayat people have also physically verified and found no constructions in that area. Therefore, it cannot be said that the 4th respondent has not taken any action on the representation given by the petitioner. In view of the same, the petitioner shall give particulars about the illegal constructions which are being made by the respondent Nos.5 to 18 in the land in Sy.No.165, as sought by the 4th respondent in the reply dated 04.05.2011, and whenever such particulars are given, the 4th respondent is directed to consider the same and take action accordingly as per law after issuing notice and affording opportunity of hearing to both parties, subject to the result in the civil suit filed by the petitioner.

With the above observations and direction, this writ petition is disposed of. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

12.06.2015

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