

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 27754 of 2011

ORDER:

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The present writ petition is filed seeking issuance of a writ of Mandamus declaring the action of the third respondent and their staff in demolishing the compound wall on the land situated at Sy.No.417/1, Kondayapalem, Nellore District, without following the due process of law, as illegal, arbitrary and violative of principles of natural justice.

The averments in the writ petition are as under:

The petitioner, who is residing at California, U.S.A., is represented through her G.P.A. holder. On 01.08.2011 the petitioner purchased open land admeasuring 960 square yards situated in Sy.No.417/1, Kondayapalem, Nellore District from Godusu Eliezer, Godusu Daniel, Godusu Dilip Kumar and Godusu Sunil etc. who inherited the said property from their ancestors. It is stated that the petitioner is in peaceful possession and enjoyment of the said property as there is no dispute over the title. It is stated in the affidavit that the petitioner has been regularly paying cist to the gram panchayat. While things stood thus, on 22.09.2011 the third respondent without any intimation to the petitioner demolished the constructed compound wall. As the action of the third respondent is violative of article 300-A of the Constitution of India, the present writ petition is filed.

The Government Pleader, on instructions submits that the petitioner encroached on to the road and after following due

process of law, action has been initiated. The counsel for the petitioner disputes the same but however submits that in future, if any action is to be initiated in respect of the property in dispute, the respondent may be directed to give notice to the petitioner before taking any coercive steps.

Without going into the merits of the case and having regard to the circumstances stated above, the writ petition is disposed of by directing the respondents to give notice as per law to the petitioner before taking any action in respect of the property in Sy.No.417/1, Kondayapalem, Nellore District. No order as to costs.

Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

**JUSTICE C. PRAVEEN
KUMAR**

17.07.2015
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