

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH

WEDNESDAY, THE TWENTY EIGHTH DAY OF OCTOBER
TWO THOUSAND AND FIFTEEN

-
Present

HON'BLE SRI JUSTICE P.NAVEEN RAO

-
WRIT PETITION No.29568 of 2015

Between:

Ch. Satyavathi, W/o. Ch. Rama Rao,
Aged about 60 years, Occ: Household,
R/o.H.No.HIG # 237, APHB Colony,
Bhavanipuram, Vijayawada,
AP-520012.

.. Petitioner

AND

The State of Telangana,
Rep. by its Prl. Secretary,
Panchayat Raj Department,
Secretariat, Hyderabad & 3 others

..
Respondents

The Court made the following:

-
-
-
-
-
-
-
-
-

-

-

HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.29568 of 2015

-

ORDER:

The petitioner claims to be the owner and in possession of plot bearing No.105 of M/s.Kiran Krishna Layout, situated in Survey Nos.456/AE, 457/A, AA, situated at Muthangi Village of Patancheru Mandal. This writ petition is filed alleging that aggrieved by the illegal and unauthorized construction made by the 4th respondent, several representations were submitted to the 2nd respondent and those representations were not acted upon and illegal constructions being made by the 4th respondent are not stopped.

2. Learned counsel for the petitioner submits that the 4th respondent is the neighbour and in the guise of undertaking construction on the plot belonging to the 4th respondent, the 4th respondent encroached into the plot owned by the petitioner and illegal construction is being made. Learned counsel further submits that on a complaint made, the District Panchayat Officer, Medak at Sangareddy, in his proceedings, dated 25.06.2015, directed the Panchayat Secretary, Muttangi Gram Panchayat, Patancheru Mandal, Medak District (2nd respondent) to take necessary action in the matter as per rules in force and report compliance. She further submits that

in spite of the direction issued by the District Panchayat Officer, no further action was taken by the Panchayat Secretary and the illegal construction is being made.

3. When the matter is taken up, learned Standing Counsel produced the proceedings of the 2nd respondent, dated 07.02.2015, whereby the building permission as sought for by the 4th respondent was granted. According to the learned Standing Counsel, as of now the 4th respondent is undertaking construction in accordance with the building permission granted and there is no deviation. He further submits that if and when a deviation is noticed, appropriate action would be taken. Learned Standing Counsel further submits that the 2nd respondent Gram Panchayat cannot go into the veracity or correctness of the title of the 4th respondent and on *prima facie* satisfaction of the documents presented before the Gram Panchayat, the building permission was granted.

4. As seen from the averments in the affidavit filed in support of the writ petition and the representations submitted by the petitioner, according to the petitioner, the petitioner found that the boundary identification stones and granite stone, barbed wire fencing were removed in Plot No.105, which is adjoining the Plot No.104 and construction is being made. This would show that there is a dispute regarding the boundary between Plot Nos.104 and 105. If that is so, the petitioner has to work out her remedies before appropriate Court having the jurisdiction. This Court cannot go into the disputed question of

ownership. Sofar as the 2nd respondent Gram Panchayat is concerned, the building permission is granted after *prima facie* satisfaction of the title claimed by the 4th respondent.

5. Thus, leaving it open to the petitioner to work out civil law remedies as available in law, the Writ Petition is dismissed. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

P.NAVEEN RAO, J

Date: 28th October, 2015

KL



HON'BLE SRI JUSTICE P.NAVEEN RAO

—

1

1

1

WRIT PETITION No.29568 of 2015

Date: 28th October, 2015

KL