

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.21094 of 2015

Dated : 10.07.2015

Between:

Mrs.G. Uma Rani W/o.G.Radhakrishna,
Aged about 50 yrs, Occu : Housewife,
R/o.H.No.1-57, Gandigunta Village,
Vuyyuru Mandal, Krishna District, A.P

.. Petitioner

And

Government of A.P.,
Rep., by its Principal Secretary,
Panchayat Raj Department,
Secretariat, Hyderabad & 2 others

.. Respondents

This Court made the following :

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ORDER :

The petitioner claims to be owner and possessor of residential plot bearing D.No.1-74, admeasuring 193.6 Square yards in Sy.No.1070, an extent of 535 Square yards in Sy.No.176 (Old No.115/1) and an extent of 364 Square yards in Sy.No.176 (Old No.115/1) of Gandigunta village, Vuyyuru Mandal, Krishna District. The petitioner avers that she was undertaking construction of compound wall by putting up pillar around the property owned by her. The decision to construct a compound wall is taken only to avoid moment of cattle around. While so, the said compound wall was demolished by the Gram Panchayat, without prior notice or opportunity. Aggrieved thereby, the petitioner filed representations dated 10.04.2015 & 21.05.2015 claiming compensation for illegal demolition of the compound wall. Alleging that the said representations are not acted upon, and contending that the demolition was illegal, this writ petition is filed. The further prayer sought in the writ petition is that the respondent-Gram Panchayat should not interfere with the peaceful possession and enjoyment of the property of the petitioner.

2. The averments in the affidavit filed in support of the writ petition does not disclose that the petitioner has obtained prior permission with the Gram Panchayat to undertake construction of compound wall. Though the petitioner was trying to assert that she was only undertaking repairs, but her own averments in Para No.2 of the affidavit shows that she was constructing pillars and basement. Therefore, permission of the Gram Panchayat is mandatory, in accordance with A.P. Gram Panchayat Land Development (Layout and Building) Rules, 2002. Apparently, no such permission was obtained. Further no material is placed on record to show that the said compound wall was demolished by the Gram Panchayat and before such demolition, no notice or opportunity was given. Thus, the writ petition is misconceived and is liable to be dismissed.

3. Accordingly, the writ petition is dismissed. However, it is left open to the petitioner to work out her remedies, if she has any grievance about illegal demolition and her entitlement to claim compensation for such illegal demolition. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand dismissed.

P.NAVEEN RAO,J

10th July, 2015.

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