

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

WRIT PETITION No.24418 of 2015

Between:

Velugoti Visalakshmi,
W/o. Late Jagan Mohan Reddy,
Aged 47 years, Occ: Housewife,
Dampur Village, Vidavalur Mandal,
S.P.S.R. Nellore District.

.. Petitioner

AND

The State of Andhra Pradesh,
Rep. by its Principal Secretary (Revenue),
Andhra Secretariat, Hyderabad & 3 others

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 06.08.2015

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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| 1 | Whether Reporters of Local newspapers may be allowed to see the Judgments? | No |
| 2 | Whether the copies of judgment may be marked to Law Reports/Journals | No |
| 3 | Whether His Lordship wish to see the fair copy of the Judgment? | No |

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HON'BLE SRI JUSTICE P.NAVEEN RAO

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ORDER:

The petitioner claims that her husband purchased 15 ankanams of terraced house and 12 ankanams of asbestos sheets paddy store rooms and kitchen in Survey Nos.386 and 387, admeasuring Ac. 1.86, situated opposite to Saibaba Temple, Vilavaluru Mandal, Sri Pottisriramulu Nellore District, for a valuable consideration. After the demise of her husband, the petitioner claims to be in possession and enjoyment of the said property. On the ground that the existing house is in dilapidated condition, the petitioner removed the same and started constructing a new house. At this stage, the petitioner was issued notice, dated 03.07.2015, by the Dampur Gram Panchayat, Dampur Village, Vidavalur Mandal, SPSR Nellore District (4th respondent) directing the petitioner to submit the proof of ownership and also to submit building plans for construction of the house and if the petitioner does not submit the building plan as well as the material in support of her claim that the petitioner owns the property, appropriate action would be taken.

2. When the matter is taken up for consideration, learned counsel for the petitioner passed on representation stated to have been submitted by the petitioner, which was received by the Panchayat Secretary on 13.07.2015.

3. As seen from the said representation, the petitioner was only dealing with the issue of reason for dismantling of the existing house and construction of a new house and seeks permission for construction of a new house. There is no mention of any building plan being submitted and an application in accordance with the procedure envisaged by the Rules submitted. The petitioner also requests to furnish information regarding alleged illegal and unauthorized occupation and construction of others.

4. Thus, admittedly no building plan is submitted by the petitioner. As required by the Panchayat Secretary in the impugned notice, it is mandatory for the petitioner to submit a building plan application along with relevant documents and also mandatory for the petitioner to satisfy that the subject property is owned by the petitioner.

5. Having regard to the notice issued on 03.07.2015, the Writ Petition is disposed of granting liberty to the petitioner to submit a building plan within one (1) week and a representation along with the said building plan and also other documents in support of the claim that the petitioner is the owner of the property. As and when such application is received, the Panchayat Secretary, Dampur Gram Panchayat, Dampur Village, Vidavalur Mandal, SPSR Nellore District (4th respondent) shall consider and pass appropriate orders within a further period of two (2) weeks. Till the orders are passed, both the petitioner as well as the 4th respondent Gram Panchayat shall maintain *status quo* obtaining as on today.

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: 6th August, 2015

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HON’BLE SRI JUSTICE P.NAVEEN RAO

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