

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

Writ Petition No.35475 of 2015

Dated 02.11.2015

-

Between:

Smt.Vadla Savithri

... Petitioner

and

-

The State of Telangana

rep. by its District Collector & Magistrate,

Medak District and 3 others.

...Respondents

Counsel for the petitioner: Mr.S.Syam Sunder Rao

Counsel for respondent No.1: AGP for Panchayata Raj (TS)

Counsel for respondent Nos.2 & 3: None appeared

The Court made the following:

Order:

This Writ Petition is filed for a Mandamus to declare Notice No.2, dated 05-10-2015, issued by respondent No.3 at the instance of respondent No.4, as illegal and arbitrary.

A perusal of the impugned notice shows that the same was issued on the complaint of respondent No.4 that, 18 years back, the petitioner has illegally constructed a building over the agricultural land belonging to her without obtaining permission. It is further stated therein that earlier a notice was issued to the petitioner, on 07-09-2015, to produce the documents pertaining to construction and that as she failed to produce the same, the impugned notice was issued.

Sri S.Syam Sunder Rao, learned Counsel for the petitioner, submitted that respondent No.3 has no jurisdiction to decide the title dispute between the petitioner and respondent No.4. He has further submitted that after receipt of the impugned notice, the petitioner has produced before respondent No.3 all the relevant documents including the construction permission granted by the Gram Panchayat and that in spite of the same, respondent No.3 is threatening to demolish the building.

In this Writ Petition, the petitioner has expressed grievance at the issue of the impugned notice. While it is no doubt true that respondent No.3 has no jurisdiction to decide the title dispute between the petitioner and respondent No.4, he is, however, vested with the power to verify whether any building is constructed with permission or not so as to take action for removal of the unauthorised constructions. The impugned notice must be understood to have been issued only for this limited purpose. After production of relevant documents by the

petitioner, the notice outlived its purpose. The further action by respondent No.3 would depend upon the fact whether the petitioner has constructed the building after obtaining permission. If the petitioner is able to show that such permission was obtained, respondent No.3 shall not proceed against the property of the petitioner in any manner. In a converse case, where the construction was made by the petitioner without obtaining permission, respondent No.3 shall be free to take appropriate action strictly in accordance with the provisions of the Andhra Pradesh Panchayat Raj Act, 1994.

Subject to the above observations and directions, the Writ Petition is disposed of.

As a sequel to disposal of the Writ Petition, WPMP.No.45574 of 2015, filed by the petitioner for interim relief, is disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

Dt: 2nd November, 2015

LUR