

THE HON'BLE SRI JUSTICE RAJA ELANGO

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Writ Petition No.21565 of 2010

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ORDER :

This writ petition is filed seeking to issue a writ of *Mandamus* to declare the action of the respondents in attempting to demolish petitioners' compound wall constructed in their private absolute property bearing Door No.4-43, in a total extent of 124 square yards covered by R.S.No.121/1 situated in Vendra Village, Vendra Grampanchayat limits, Palakoderu Mandal, West Godavari District, as illegal and arbitrary and consequently direct the respondents not to demolish petitioners' compound wall constructed in the above said property.

2. It is the grievance of the petitioners that even though they have constructed the house and also the compound wall well within their land, the Grampanchayat intends to demolish the compound wall on the ground that they have constructed the compound wall touching the protected drinking water pipeline laid by the Grampanchayat for the purpose of drinking water to the villagers.

3. Even though the 4th respondent filed a counter

stating that they have issued notice to the petitioners for demolition of the compound wall, there is nothing on record to show that such notice was issued.

4. In view of the same, after hearing the arguments of the learned counsel for the petitioners and also the respondents, this Court is of the view that this Writ Petition can be disposed of as follows :

The 4th respondent – Gram Panchayat is directed to survey the land in dispute in the presence of the petitioners after giving notice to them and decide whether the compound wall was constructed well within the limits of the petitioners' land or in the land belongs to the Gram Panchayat. After the survey, the

4th respondent - Gram Panchayat is at liberty to take appropriate action in the matter in accordance with law.

5. Accordingly, the Writ Petition is disposed of. No order as to costs. As a sequel, miscellaneous petitions pending, if any, in this Writ Petition are closed.

JUSTICE RAJA ELANGO

02nd February, 2015

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