

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH
THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

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WRIT PETITION No.27659 of 2011

Between:

G.Vijay Kumar

... Petitioner

and

Government of Andhra Pradesh, rep. by
Its Prl.Secretary and another.

... Respondents

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DATE OF JUDGMENT PRONOUNCED: 24.07.2015

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

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|----------|---|---------------|
| <u>1</u> | <u>Whether Reporters of Local newspapers</u>
<u>may be allowed to see the Judgments?</u> | <u>Yes/No</u> |
| - | | |
| <u>2</u> | <u>Whether the copies of judgment may be</u>
<u>marked to Law Reports/Journals</u> | <u>Yes/No</u> |
| - | | |
| <u>3</u> | <u>Whether Their Ladyship/Lordship wish to</u>
<u>see the fair copy of the Judgment?</u> | <u>Yes/No</u> |

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.27659 OF 2011

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ORDER:

This writ petition is filed stating that petitioner has been in possession and enjoyment of land to an extent of Ac.0.25 cents situated in Sy.No.13 of Avilala Gram Panchayat, Gandhipuram since 1997, having purchased the same from its lawful owners. It

is also stated that originally, the land in Sy.No.13 belongs to one Sri M.Subrahmanyam, S/o.Ramaiah and the said land is ancestral property of the said Subrahmanyam. In the year 1993 the said Subrahmanyam sold away the said land to Smt.C.Venkata Lakshmi, D/o.C.Maruthi vide registered sale deed No.1139/1993 and in the year 1997 the said Venkata Lakshmi sold away the said land purchased by her to the petitioner by way of deed of registration for a valid sale consideration. Thereafter, the petitioner spent huge amounts for leveling the said land to make it fit for cultivation and raised a small tin sheet shed and eking out his livelihood by cultivating vegetables. While so, when the 2nd respondent, without any notice, tried to demolish the shed by entering into the land of the petitioner, the petitioner resisted the same and filed the present writ petition.

The 2nd respondent filed counter affidavit stating that the identity of the petitioner is not established in the records of the Gram Panchayat and that he is not a resident of Avilala Village. It is also stated that the land in Sy.No.13 belongs to Swamy Hathiramji Mutt, Tirupathi; that the said land in question is still in the name of Swami Hathiramji Mutt as per Revenue records; that the Swami Hathiramji Mutt made certain applications before the concerned authorities that the land of the Mutt is being occupied by private persons unauthorisedly; that when the action was taken by the respondent authorities to remove the structures or poles erected unauthorisedly in the said land, there was a lot of resistance from the claimed occupants; and that number of proceedings were pending before the Civil courts in respect of the title of the subject property and finally, the respondents sought for dismissal of the writ petition.

Heard both sides.

The petitioner claims title basing on the registered sale deeds and also states he constructed a small tin sheet shed. But, nowhere in the counter affidavit it is stated by the respondents that any notice was issued to the petitioner before taking action against him. Further, if the petitioner has made any construction illegally without any approval, it is for the 2nd respondent Gram Panchayat to take action according to law.

In view of the above facts and circumstances, the 2nd respondent-Gram Panchayat is directed not to take any coercive steps against the petitioner without following due process of law.

Accordingly, the writ petition is disposed of. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

24.07.2015

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