

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No.29806 OF 2015

ORDER:

Heard learned counsel for the petitioner, learned Government Pleader for Revenue appearing for respondents 1, 2 and 4, learned Government Pleader for Home appearing for respondents 5 and 6 and Sri G. Narender Reddy, learned Standing Counsel appearing for respondent No.3.

The petitioner states that he is the owner of house property admeasuring Ac.0.01/2 guntas and Ac.0.01/2 guntas in Survey Nos.133/325 1/1 and 133/328 1/1 at Bethupalli, Gangaram Gram Panchayat, Sathupalli Mandal, Khammam District. The petitioner states that he approached the Gangaram Gram Panchayat, who granted permission to construct house under proceedings in Rc.No.M/4/2015, dated 02.06.2015. While the said construction is at the stage of roof level, the Tahsildar, Sathupalli Mandal, Khammam District, the 2nd respondent, is stated to be interfering with the construction activity and preventing the petitioner from taking up the construction. The petitioner states that since the Gram Panchayat has duly granted permission and the land admittedly belongs to him, there is no reason for the 2nd respondent to interfere with the said construction activity. It is stated that the petitioner has already filed appropriate representations before the District Collector, Khammam District, and the Revenue Divisional Officer, Khammam, mentioning the aforesaid interference and the same are acknowledged by them. The photocopies of the said representations are produced along with Writ Petition along with the acknowledgement, dated 08.09.2015, before both the said officers. Complaining the illegal interference by the 2nd respondent, the petitioner filed the present Writ Petition.

It is apparent that the petitioner claims title to the land and that he is taking up construction after due permission from the Gram Panchayat, as referred to above. In view of that, it is not open for the 2nd respondent to interfere with the possession or construction of the petitioner provided that the said construction is made in accordance with the permission of the Gram Panchayat. Even otherwise, if the 2nd respondent intends to take any action against the house property or construction of the petitioner, it is necessary that the 2nd respondent shall give appropriate notice to the petitioner and also an opportunity to submit his explanation and then pass appropriate orders.

The Writ Petition is, therefore, disposed of directing the 2nd respondent not to interfere with the petitioner's house property or the construction, except after following due procedure as mentioned above. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

VILAS V.AFZULPURKAR, J

14.09.2015

Note:- Furnish C.C. in three days.

(B/o)

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