

**THE HON'BLE SRI JUSTICE C.V.NAGARJUNA
REDDY**

WRIT PETITION No.3643 of 2016

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08.02.2016

Between:

N.Venkatesh

.. Petitioner

and

The State of Andhra Pradesh,
represented by its Principal Secretary,
Panchayat Raj and Rural Development Department,
Hyderabad and others

.. Respondents

Counsel for the petitioner: Mr.Manda Venkateswara Rao

Counsel for respondent No.1: Government Pleader for
Panchayat Raj and Rural Development (AP)

Counsel for respondent No.4: Assistant Government Pleader for Revenue
(AP)

Counsel for the other respondents:--

The Court made the following:

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ORDER:

The petitioner, who claims to have acquired proprietary rights over Ac.1.00 cents of land in survey No.437/5 situated at Tiruchanur Village, Tirupati Rural Mandal, Chittoor District, filed this writ petition feeling aggrieved by the interference of respondent No.2 with his peaceful possession and enjoyment of the said property.

Learned counsel representing Mr.Golla Seshadri, learned standing counsel for Gram Panchayats (AP) appearing for respondent No.2, on instructions, has submitted that the petitioner is in unauthorized possession of the aforesaid property, which is an Inam land, and that as he was trying to raise a compound wall without permission, the officials of respondent No.2 have requested him to stop construction. He has, however, conceded that no notice has been issued to the petitioner so far.

In my opinion, if the petitioner is raising compound wall without permission, respondent No.2 is entitled to prevent him from doing so only by issuing notice and following the procedure prescribed by the extant statutory provisions. Without following such procedure, respondent No.2 shall not interfere.

Accordingly, liberty is given to respondent No.2 to initiate appropriate proceedings and the said respondent is directed not to interfere with the petitioner's right to enjoy the property in question, without following due process of law. At the same time, the petitioner is not entitled to raise construction of compound wall, without obtaining permission from respondent No.2.

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

As a sequel to disposal of the writ petition, W.P.M.P.No.4656 of 2016 filed by the petitioner for interim relief shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

08th February, 2016
GHN