

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.25009 of 2012

ORDER:

In the present writ petition, filed under Article 226 of the Constitution of India, the petitioners complain that respondent No.1- Gram Panchayat is interfering with the construction of the shed in R.S.No.467/4 of Perimpudi Village, Koyyalagudem Mandal, West Godavari District pursuant to the permission granted *vide* B.L.No.11, dated 28.07.2012, at the behest of respondent No.2-District Panchayat Officer, Eluru West Godavari District.

Heard Sri Ganta Rama Rao, learned Senior Counsel for the petitioners, Sri Ravi Chimalapati, learned Standing Counsel for respondent No.1 and learned Government Pleader for Panchayat Raj for respondent No.2.

According to the petitioners, they have purchased land, admeasuring 300 square yards in Survey No.467/4 of Perimpudi Village, Koyyalagudem Mandal, West Godavari District from one Smt.Prashanti Devi and others *vide* registered sale deed bearing document No.8761 of 2011, dated 29.10.2011 and they have been in possession of the subject land and paying property tax. It is averred in the writ affidavit that their first vendor had acquired the property consisting of tiled house by way of gift deed bearing document No.1714 of 1994, dated 10.10.1994 from her father and thereafter, she demolished the said tiled house and she along with

her daughters sold the open land to the petitioners by way of above mentioned sale deed. Thereafter, the petitioners approached respondent No.1-Gram Panchayat seeking permission for construction of AC-sheet roof in the said property and accordingly, respondent No.1 granted permission *vide* B.L.No.11, dated 28.07.2012, and the petitioners have commenced the construction in accordance with the sanctioned plan. It is alleged that on 04.08.2012, respondent No.1 came to the subject site and asked the petitioners not to carry on any construction activity on the subject land and on enquiry, the petitioners came to know that respondent No.1 at the behest of respondent No.2 started interfering with the construction activity for the reasons best known to them.

The contention of the learned counsel appearing for the petitioners is that the construction permission is in fact granted by respondent No.1, as such, there is no justification on the part of respondent No.1 in interfering with the construction activity at the behest of respondent No.2, that too, without issuing any notice and without following due process of law.

This Court while ordering notice before admission on 14.08.2012, in WPMP No.31906 of 2012, passed the following order:

“Heard Sri Ganta Rama Rao, learned counsel for the petitioners, Sri G.Raju, learned counsel representing Sri G.Elisha, learned Standing Counsel for Panchayats and Sri Y.Subba Rao, learned Assistant Government Pleader for Panchayat Raj and Rural Development for respondent Nos.2 and 3.

The petitioners claimed to be carrying on construction activity strictly in accordance with the permission granted on 28.07.2012. If it were so, the respondents shall not interfere with the petitioner proceeding with the construction strictly in accordance with the permission granted by the proceedings of the 1st respondent dated 28.07.2012 and the same does not disable the respondents from acting in accordance with law in the event of any deviations from the sanctioned plan.”

Today, when the matter is taken up, it is submitted by the learned Standing Counsel for respondent No.1 that in the event of any deviation of the permission granted by respondent No.1-Gram Panchayat, it may be kept open to it to take action in accordance with law against the petitioners and the writ petition can be disposed of in terms of the interim orders already passed by this Court.

Recording the said submission, the writ petition is disposed of directing the respondents not to interfere with the construction activity of the petitioners taken up pursuant to the permission granted on 28.07.2012. However, this order will not preclude the respondents from proceeding in accordance with law in the event of the petitioners taking up construction contrary to the sanctioned plan.

Consequently, Miscellaneous Petitions, if any pending in this writ petition shall stand disposed of. There shall be no order as to costs.

A.V.SESHA SAI, J

Dt:03.11.2016.
kdl

