

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.32861 of 2017

ORDER:

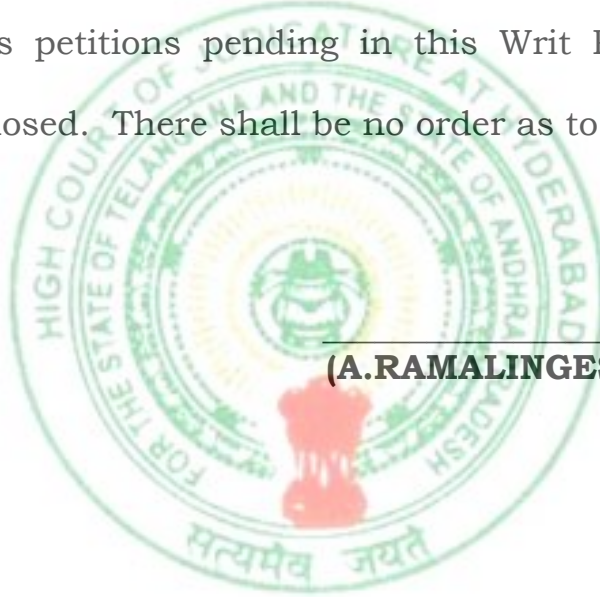
This Writ Petition is filed challenging the notice dated 02.08.2017 asking the petitioner to remove the unauthorized construction in Survey No.1 of Nandikandi Village. It appears that the third respondent issued a notice on 14.07.2017 asking the petitioner to stop the construction and not to make any further construction without obtaining appropriate permission from the Gram Panchayat. The petitioner submitted the reply on 28.07.2017 stating that he is constructing a compound wall to safeguard his land as some third party was trying to encroach upon the land. He further stated that the land belongs to his family and he would apply for permission from the Gram Panchayat whenever he constructs a house. In spite of the said reply, the notice dated 02.08.2017 was issued asking the petitioner to remove the constructions.

It is not in dispute that even for constructing a compound wall, permission of Gram Panchayat is required. Learned Standing Counsel for respondent No.3 submits that the land belongs to the Government and the petitioner cannot make any construction on the said land. Learned Counsel for the petitioner submits that the land is an ancestral land and the petitioner is entitled to make construction on the land after obtaining due permission.

Since the very title of the land is in dispute, this Court is not inclined to entertain the present Writ Petition, but gives liberty to the petitioner to establish his right over the land in a competent Court of law and there shall be *status quo* with regard to the existing position of the land for a period of eight weeks. If there is no order from the competent civil Court after the period of eight weeks, it is open to the third respondent to take action in accordance with law.

The Writ Petition is, accordingly, disposed of. The miscellaneous petitions pending in this Writ Petition, if any, shall stand closed. There shall be no order as to costs.

03.10.2017
vs



(A.RAMALINGESWARA RAO, J)