

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

WRIT PETITION No.21626 OF 2017

ORDER:

Heard the learned counsel for the petitioner and also the learned Govt. Pleader for Panchayat Raj representing the respondents 1 to 4 and Sri G.Narendra Reddy, the learned Standing counsel for Panchayat on oral instructions offering to file vakalath for 5th respondent and the learned Govt. Pleader also for 6th respondent and perused the prayer in the writ petition, supporting affidavit and other material on record including the impugned show cause notice dated 21.04.2017 issued by the 5th respondent-Panchayat to the petitioner to demolish the house of the petitioner situate in S.Nos.685/ 1 to 5 and 686/ 5 by showing there is a civil dispute pending in O.S.No.25/01 with status quo order in I.A.No.1176 of 2003 from the complaint received by the plaintiff of that suit.

It is the contention of the petitioner that the house is constructed in 2006 and all through for the past 11 years there is no dispute raised by the Panchayat much less interfered with the construction but all of a sudden at the instance of the plaintiff by name Pavella Jhansi Laxmi Bai in O.S.No.25 of 2001, the impugned notice was issued. In fact, a perusal of the claim of the petitioner shows that she purchased from the 3rd defendant of the said suit and the suit filed was for specific performance of the contract for sale and there was an interim application for injunction where an order of status quo for the schedule property which is part of the

property covered by the sale deed in favour of the petitioner was passed.

Having regard to the above, while disposing of the Writ Petition restraining the respondents from demolition of the existing building of the petitioner for two months, the petitioner is given liberty to file implead petition to come on record as co-defendant to the suit O.S.No.25 of 2001 to contest case claiming her right through defendants of the suit therein.

As a sequel, miscellaneous petitions if any pending in this Writ Petition shall stand closed.

Dt.04.07.2017,
b/o. vvr

Dr. B. SIVA SANKARA RAO, J

