

THE HON'BLE SRI JUSTICE M.S.K.JAI SWAL

WRIT PETITION No.21746 of 2007

ORDER:-

This writ petition is filed for the following substantive relief:

“to issue any writ, order or direction more particularly one in the nature of a Writ of Mandamus, directing respondent No.1 to demolish the illegal and unauthorized constructions made by respondent Nos.3 and 4 in the property bearing D.No.5/48 of R.S.No.272/1A, “Kameswari Nivas” of Avanigadda, Krishna District, besides declaring the inaction of the respondents, as illegal.”

Heard both sides and perused the material available on record.

Admittedly, the petitioner is the younger brother of respondent No.3, and respondent No.4 is the son of respondent No.3. The dispute is with respect to the property bearing D.No.5/48 in R.S.No.272/1A, situated in Avanigadda. Respondent No.3 filed a suit for partition claiming that he is entitled for 1/5th share therein and the same was dismissed. Ultimately, the matter is pending in appeal before the High Court. When matter stood thus, it is contended by the petitioner that respondent No.3 applied to the 1st respondent Gram Panchayat seeking permission to construct house in the name of the 4th respondent. Even though the 1st respondent Gram Panchayat did not accord any permission or sanction, respondents Nos.3 and 4 have proceeded with the construction and hence a direction may be given to respondent No.1 to take action, in accordance with law.

Having heard the learned counsel and perused the material on record, it is felt that a direction can be given to the 1st respondent Gram Panchayat to inspect the premises in question and take appropriate action, in accordance with law, if respondents Nos.3 and 4 made any construction without obtaining any permission or sanction.

The Writ Petition is accordingly disposed of. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed in consequence.

M.S.K.JAI SWAL, J

Date: 12.10.2017
Dsr

