

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.31344 of 2013

ORDER:

This writ petition is filed by the petitioner, under Article 226 of the Constitution of India, seeking to declare the action of the respondents 2 to 6 in taking hasty steps for demolition of the dwelling house of the petitioner bearing No.12-112, located over area along with open place measuring “44 X 50”, situated at Dhobi Colony, Sarasvathi Nagar, Dasnapur Village, Mavala Gram Panchayat, Adilabad Mandal and District, for laying Street Road “200 X 20” at Dasnapur Village within the Gram Panchayat limits of Mavala, Adilabad Mandal and District, without giving notice, as illegal and arbitrary and consequently direct the respondents 2 to 6 not to demolish the said dwelling house of the petitioner.

2. Heard and perused the material available on record.

3. The brief facts of the case are that the petitioner belongs to economically backward, weaker section of the society and landless poor person and the petitioner has constructed the house in the slum area of Dasnapur Village 20 years back and residing in the said house with her family members and that the Government of A.P. allotted the said site measuring “44 X 50” in the year 2001 *vide* R.C.No.C/10674/2011, dated .06.2011, issued by the Mandal Revenue Officer, Adilabad, wherein the petitioner was residing and that after allotment of the said house site by the Government of A.P., the petitioner has made renovation of the said house with permission of the Gram Panchayat authorities concerned and that the petitioner has not exceeded and changed

the boundaries of the said house. The Mavala Gram Panchayat has given the door No.12-112 to the said house and registered the petitioner as a owner in the Gram Panchayat Register and that the petitioner is regularly paying tax to the Gram Panchayat. It is further submitted that on 17.10.2013, the 5th respondent came to the petitioner's house and asked her to remove the house, stating that most of the portion of the house i.e., from the middle portion, is covered in the proposed laying of road area of "200 x 20" East to West to connect the National High Way No.7 and that on 25.10.2013, the 6th respondent sent workers to the petitioner's house with a specific order to remove the house within two days, otherwise the Gram Panchayat authority will evict her from the said house forcibly by demolishing the same. On 29.10.2013 & 30.10.2013, respondents 2 to 5 came to the house of the petitioner and threatened her that they will demolish the dwelling house forcibly, as the same is needed for formation of new road.

4. The main grievance of the petitioner is that respondents 2 to 6 are taking hasty steps for demolition of the said house of the petitioner without giving any notice and prays to allow the writ petition.

5. On 18.11.2013, this Court passed an interim order, which reads as under:

"Sri P. Raghavendra Reddy, learned Standing Counsel accepts notice on behalf of the 5th respondent. Learned Government Pleader for Panchayat Raj accepts notice on behalf of Respondents 1 to 4. He seeks time to secure instructions from the Divisional Panchayat Officer, Adilabad Division.

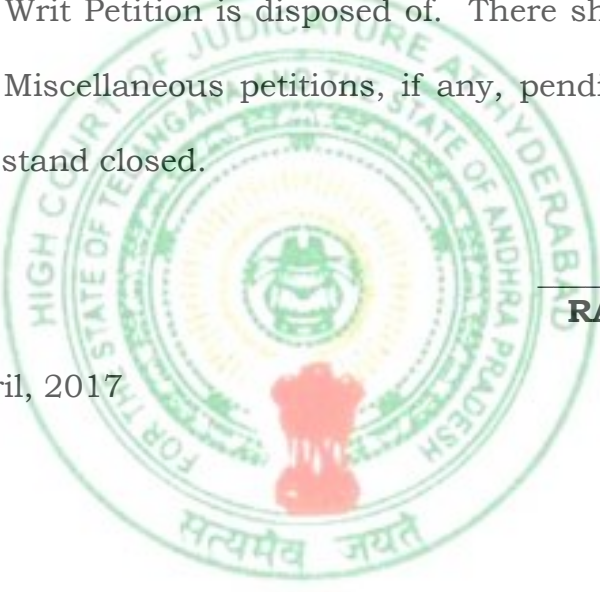
Post after three weeks in motion list.

Till then, status quo existing as of now be maintained. The petitioner, however, shall not make any further constructions, including internal constructions.

It shall be open to the gram Panchayat to put the writ petitioner on notice and then take appropriate action in case the gram panchayat feels that the petitioner had made encroachment on any road margin or public road.”

6. In view of the aforesaid interim order, this Court is of the opinion that the ends of justice would be met if the writ petition is disposed of in terms of the said interim order.

7. Accordingly, by making the aforesaid interim order absolute, the Writ Petition is disposed of. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.



RAJA ELANGO,J

Date: 21st April, 2017

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