

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

WRIT PETITION No.13201 of 2017

ORDER:

Heard the learned counsel for the petitioner, learned Government Pleader for Panchayat Raj, representing respondents 1 to 3, Sri Ravi Cheemalapati, learned Standing Counsel for respondent No.4 and perused the prayer in the writ petition with the supporting affidavit.

2. The prayer in the writ petition reads as follows:

“to issue a writ of Mandamus or any other appropriate writ, order or direction, declaring the action of the respondents in taking steps to demolish the construction raised by me in a private patta land owned by me without following the procedure contemplated under law even after compliance of the order made in W.P. (PIL) No.52 of 2016 is illegal, arbitrary and in violation of Principles of natural justice, consequently direct the respondents desist themselves not to take any coercive steps against the petitioner without following the procedure contemplated under law, and pass such other or further orders as are deemed fit and proper.”

3. In the affidavit filed in support of the writ petition, it is stated that the petitioner owned land situated in Survey No.196 of Tummapudi, Hamlet of Revendrapadu Village, Duggirala Mandal along with some other properties in different survey numbers with different extents, having purchased the same under registered sale deeds. In the said survey No.196, he constructed a shop and residential house abutting R & B road. The Gram Panchayat assessed tax in respect of shop constructed by him along with the house. The petitioner therefrom seeks the reliefs supra.

4. It is the contention of the learned counsel for the petitioner that ignoring the property rights of the petitioner, the respondents are choosing to demolish the house constructed in survey No.196 of

Tummapudi, Hamlet of Revendrapadu Village, Duggirala Mandal, by taking law into their hands.

5. On the other hand, learned Government Pleader from the written instructions, submits that the Division Bench of this Court vide order, dated 26.12.2016 in W.P (PIL) No.52 of 2016 and W.P.No.25414 of 2016, filed by the petitioner herein, directed the petitioner to remove the constructions raised by him in the land to an extent of Ac.0.07 cents in Survey No.254 and in case, he fails to do so, the respondents therein shall remove the same since the encroached area would cause inconvenience to the public and the respondents removed the encroachments in an extent of Ac.0.07 cents in survey No.254 as per the common order, dated 26.12.2016, passed by this Court in W.P. (PIL) No.52 of 2016 and W.P.No.25414 of 2016.

6. However, it is the further submission from the written instructions by the learned Government Pleader and by the learned Standing Counsel that the authorities are not interfering in any manner with the so-called property of the writ petitioner covered by the prayer and affidavit of the writ petition in survey No.196 and any action if at all required they adopt due process of law.

7. Accordingly, by recording the same, the writ petition is disposed of directing the respondents not to interfere with the petitioner's private property covered by writ petition prayer in Survey No.196 in any manner, except through due process of law.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

Dr. B. SIVA SANKARA RAO, J

JULY 04, 2017

YVL

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO



WRIT PETITION No.13201 of 2017

Date: 04.07.2017