

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.22894 OF 2012

O R D E R :

The case of the petitioner is that he is the absolute owner, possessor and enjoyer of the building constructed in 239 Sq.yards of site in R.S.No.139/1 of Vegavaram Grampanchayat limits; that the said property was his joint family property in which he has got an undivided 1/4th share. His father died in the year 2006 and his three elder brothers out of love and affection towards him conveyed their undivided 3/4th share in the said property in petitioner's favour under a registered settlement deed dated 05.07.2012 and the said settlement was accepted by the petitioner and the same was acted upon. After such settlement, the petitioner constructed a new RCC building in place of old tiled house which was in dilapidated condition. Thereafter, the petitioner also constructed new compound wall and also paying house tax and water tax. While so, on 23.07.2012, the respondents 2 to 4 visited the aforesaid RCC building of the petitioner and made some marks on the north and eastern side of said compound wall. When petitioner pointed out why such marking was done, the respondents orally stated that they decided to widen the road and for that purpose they required site upto marked portion of petitioner's compound wall. They further gave ultimatum to remove the compound wall on the north and the foundation wall on the east and the

water tap, within two days, or else threatened to demolish the same with police assistance. They did not issue even any notice or any written order to that effect. Aggrieved by the action of the respondents, present writ petition is filed.

Heard learned counsel for the petitioner.

Sri Ravi Cheemalapati, learned standing counsel for the 4th respondent basing on the counter stated that the petitioner without obtaining any permission from the Gram Panchayat constructed a residential building and compound wall by encroaching the Gram Panchayat road margin with 5 feet; that in pursuance of the complaints given by the villagers, this respondent issued notice to the petitioner to produce documents with regard to title and permission approved by Gram Panchayat; and that it is the duty of the Gram Panchayat to remove the encroachments on the road for free flow of traffic. It is also stated that the respondent will follow due process to remove the encroachments.

Heard learned counsel for the implead petitioners who submits that necessary action has to be initiated by the 4th respondent for removal of encroachments.

The grievance of the petitioner is that the respondents are taking action against the petitioner for demolition of compound wall, foundation wall and also for removal of water

tap in petitioner's building bearing D.No.2-10, covered by R.S.No.139/1, Vegavaram Village and Panchayat limits.

Since in the counter it is stated that the respondents will follow due process of law, the grievance of the petitioner stood redressed. As such, the writ petition is disposed of with a direction to respondents not to demolish petitioner's compound wall on the north and foundation wall on east and not to remove the water tap situated on the eastern portion of petitioner's building bearing D.No.2-10, covered by R.S.No.139/1, Vegavaram Village and Panchayat limits, without following due process of law. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any pending in the writ petition, shall stand closed.

12.06.2017
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A.RAJASHEKER REDDY, J