

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.5074 of 2018

ORDER:

Petitioner claims that on 19.10.2006, he purchased an open plot to an extent of 141 sq.yards situated at Ambatpally Village, Lingala Mandal, Nagarkurnool District, from one Athinarapu Ramudu, who appeared to have purchased the same in 2004 from one Ativarapu Venkatesh, Son of Hanumanth, Resident of Ambatpally Village, and adjacent to the said plot, on 01.06.2014, he purchased an open plot to an extent of 93 sq.yards from one Rachuri Ramulaiah, Son of Veeraiah. It is asserted by the petitioner that while he was making an effort to construct a compound wall around his open plots, the Gram Panchayat authorities on account of the rivalries had come and destroyed the same. It is also asserted that though the relevant house number was entered into the Property Register of the Gram Panchayat, the same has been stuck off on account of the political rivalries in the Village.

Learned counsel for the petitioner submits that if the Gram Panchayat has any right, they are entitled to issue notice to the petitioner and take action in accordance with law, but they cannot highhandedly demolish the construction nor prevent the

petitioner from making construction. He also submits that the construction of the compound wall does not require any permission.

Learned Standing Counsel for the Gram Panchayat submits that under the guise of construction of compound wall, the petitioner is trying to occupy the land belonging to the Gram Panchayat and that though a notice came to be issued by the fourth respondent – Panchayat Secretary, Ambatpally Village, Lingala Mandal, Nagarkurnool District, to the petitioner on 17.05.2017 directing him to produce relevant documents evidencing the ownership, he had not responded to the same. He produced before this Court a copy of the notice alleged to have been issued to the petitioner.

As can be seen from the sale documents produced before this Court, the sale transactions are executed on a plain paper and on Rs.20/- worth stamp paper. While it is the assertion of the petitioner that he had purchased the lands in question and acquired right title through the above referred sada sale documents, it is the specific case of the Gram Panchayat that the petitioner has no right and as a matter of fact, the land belongs to the Gram Panchayat. From this, it can be understood that there is a serious dispute with respect to the title to the property. Though

it is stated by the learned Standing Counsel that the fourth respondent issued a notice to the petitioner on 17.05.2017, a perusal of the said notice indicates that it was not served on the petitioner, and the very endorsement thereon discloses that there was nobody in the house, as such, the same was affixed on the door of the petitioner's house. The aforesaid notice was issued on 17.05.2017 calling for the petitioner to produce the ownership documents, but the action of demolition is in the month of October, 2017. So, it is clear that the Gram Panchayat had not issued any notice to the petitioner with respect to the alleged construction of the compound wall. If the Gram Panchayat wants to take any action, they shall issue notice to the petitioner calling for his explanation and only thereafter, they can proceed further with respect to the construction activity of the petitioner and take action in accordance with law.

Subject to the above, the Writ Petition is disposed of.

Miscellaneous Petitions, if any pending shall stand dismissed. There shall be no order as to costs.

CHALLA KODANDA RAM, J

5th MARCH, 2018.

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