

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.43776 OF 2018

Date:05.12.2018

Between:

Mudedla Satyanarayana,
S/o. Sivannaidu, age 65 years,
R/o.Denduluru Village and Panchayat,
Denduluru Mandal, West Godavari District .. Petitioner

And

The State of Andhra Pradesh, rep., by its
Principal Secretary, Panchayat Raj and
Rural Development, Secretariat Buildings,
Velagapudi, Guntur District and others .. Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P. NAVEEN RAO**WRIT PETITION No.43776 OF 2018****ORDER:**

Heard learned counsel for the petitioner, learned Government Pleader for Panchayat Raj for respondents 1 to 3 and Sri K.K. Durga Prasad, learned Standing Counsel for respondent No.4.

2. Petitioner alleges that he is the absolute owner and in possession of two shops bearing Door No.3-154, Old Assessment No.1199, New Assessment No.654, constructed over 50 sq. yards of land situated at four roads junction on the West side of Eluru to Dwaraka Tirumala Main Road opposite to Water Tank Dendulur Village. He alleges that the said shops are sought to be demolished without following due process on the ground that the said property is required for widening of the road.

3. Learned Standing Counsel for respondent – Gram Panchayat submits that the land to an extent of 29 sq. yards was granted to the father-in-law of the petitioner on 05.08.1990 under D-Form Patta, whereas the petitioner is in occupation of 50 sq. yards of land.

4. The submissions of learned counsel for petitioner as well as learned Standing Counsel would make it clear that petitioner is in occupation of 50 sq. yards and construction was already made. If the Gram Panchayat is of the opinion that petitioner is in occupation of the land in excess of the land assigned to father-in-law of the petitioner, appropriate action has to be taken

to dispossess him, but cannot remove the construction made on the subject land without following due process.

5. Granting liberty to the Gram Panchayat to follow due process of law to remove the construction alleged to have been made by the petitioner by occupying 50 sq. yards of land, the Writ Petition is disposed of. Pending Miscellaneous Petitions, if any, shall stand closed.

P. NAVEEN RAO, J

Date:05.12.2018

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