

THE HON'BLE SRI JUSTICE T.VINOD KUMAR

WRIT PETITION No.1511 of 2020

ORDER:

The present writ petition, under Article 226 of the Constitution of India, is filed to declare the action of the respondents in interfering and demolishing the existing compound wall surrounded by the subject agricultural land of the petitioner to an extent of Acs.7.38 guntas in various survey numbers situated at Murtuzaguda Village, Moinabad Mandal, Ranga Reddy District, without following the due procedure laid down by law, as illegal and arbitrary.

2. Heard Sri C.Narender, learned counsel for the petitioner; learned Government Pleader for Municipal Administration, appearing for respondent 1; Ms.D.Madhavi, learned standing counsel for HMDA, appearing for respondent 2; learned Government Pleader for Revenue, appearing for respondents 3 and 6; learned Government Pleader for Panchayat Raj, appearing for respondent 4; Sri G.Narender Reddy, learned standing counsel for the Gram Panchayat, appearing for respondent 5; and learned Assistant Government Pleader for Home, appearing for respondent 7.

3. A perusal of the material placed on record, it is seen that subsequent to the filing of the writ petition, the petitioner has filed an Affidavit-cum-Undertaking, dated 29.01.2020, before this Court, whereby the petitioner has stated that the petitioner would not take up any construction work, or lay the road, in the subject land. The main grievance of the petitioner in the present writ petition is only with regard

to the action being taken by respondent 5 in relation to the demolition of the compound wall surrounding the entire extent of Acs.7.30 guntas.

4. Sri G.Narender Reddy, learned standing counsel for the Gram Panchayat, on instructions, would submit that there are illegal constructions that are existing in the subject land, for which the authorities initiated action in accordance with law to remove the same, since such constructions are being made without obtaining necessary permission from the concerned Gram Panchayat, and such constructions are in violation of G.O.Ms.No.111, dated 08.03.1996.

5. This Court in similar circumstances, taking note of the undertaking given by the petitioner therein, directed the Gram Panchayat not to obstruct the petitioner therein taking up cleaning and fencing works over the land.

6. In the case on hand, since the petitioner has already constructed the compound wall surrounding the entire property admeasuring Acs.7.38 guntas in various survey numbers situated at Murtuzaguda Village, Moinabad Mandal, Ranga Reddy District, and a specific assertion has been made by the learned counsel for the petitioner that there are no structures within the said property that have been built, this Court is of the view that respondent 5 – Gram Panchayat is directed not to take any steps for demolishing the compound wall that has been built surrounding the entire extent of land admeasuring Acs.7.38 guntas, which was constructed to secure the property from being encroached.

7. Taking on record the Affidavit-cum-Undertaking, dated 29.01.2020, given by the petitioner, the writ petition is disposed of subject to the above direction. It is however made clear that if the petitioner violates the

undertaking given to this Court, the respondent authorities are liberty to initiate appropriate proceedings against the petitioner. Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

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JUSTICE T.VINOD KUMAR

Date:25.02.2020

GJ

