

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
(Special Original Jurisdiction)

TUESDAY, THE TWENTY SEVENTH DAY OF APRIL
TWO THOUSAND AND TWENTY ONE

PRESENT

THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD

WRIT PETITION NO: 9028 OF 2021

Between:

Smt. Peddi Madhavi, W/o. Rajanikar Reddy, Aged 65 years, Occ Housewife,
R/o. H. No. 10-70/2, Nanganur Village AND Mandal, Siddipet District

...PETITIONER

AND

1. The State of Telangana,, Rep. by Principal Secretary Panchayath Raj Department, Secretariat Buildings, Hyderabad.
2. District Panchayat Officer, Siddipet District at Siddipet.
3. The Gram Panchayath,, Nanganur village, Rep. by its Panchayath Secretary, Nanganur village, Siddipet District.
4. Smt. Peddi Ratnamala,, W/o Late Parameshwar Reddy, Aged 65 years, Doc Household, R/o. H. No. 10-91, Nanganur Village AND Mandal, Siddipet District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ, order or direction more particularly are in the nature of writ of Mandamus declaring the action of Respondent No.3 in issuing impugned Order vide GP /01/2021, dt. 01-04-2021 for demolition of the compound wall of the Petitioner which is constructed about 100 years back around old house No. 10-70/2 situated in the agriculture private patta land in Sy. No. 521/A situated at Nanganur Village and Mandal, Siddipet District without approval of the Gram Panchayat and moreover when the civil suit vide O.S. No.200 of 2020 suit for declaration of passage and his Easementary rights and perpetual injunction before Hon'ble Court Junior Civil Judge Court at Siddipet filed by the 4th. Respondent is pending adjudication, the 3rd respondent has no power or authority to interfere with civil suit and Issuing impugned order for removal of compound wall is illegal, arbitrary, without jurisdiction, discriminatory and contrary to the Panchayat Raj Act and violative of the fundamental rights guaranteed under Articles 14 and 16 of the Constitution of India and consequently set-aside the impugned Order No, G.P/01/2021, dt. 01-04-2021 of the 3rd Respondent.

IA NO: 1 OF 2021

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased Direct the 2nd and 3rd Respondents not to interfere and not to demolish the compound wall which is constructed around old house No. 10-70/2 situated in the agriculture fields in Sy. No. 521/A of Petitioner at Nanganur Village and Mandal, Siddipet District by suspending the impugned order No, G.P./01/2021, dt. 01-04-2021 of the 3rd Respondent pending disposal of the writ petition.

Between:

Smt. Peddi Ratnamala,, W/o Late Parameshwar Reddy, Aged 65 years, Doc Household, R/o. H. No. 10-91(old)/10-70/1(new), Nanganur Village AND Mandal, Siddipet District.

...PETITIONER/4th respondent

AND

1. Smt. Peddi Madhavi, W/o. Rajanikar Reddy, Aged 65 years, Occ Housewife, R/o. H. No. 10-70/2, Nanganur Village AND Mandal, Siddipet District

...RESPONDENT/PWTITIONER

2. The State of Telangana Rep.by its Principal Secretary Panchayath Raj Department, Secretariat Buildings, Hyderabad.
3. District Panchayat Officer, Siddipet District at Siddipet.
4. The Gram Panchayath,, Nanganur village, Rep. by its Panchayath Secretary, Nanganur village, Siddipet District.

...RESPONDENTS/RESPONDENTS

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to vacate the interim Orders dated 08/04/2021 granted in IA No 1 of 2021 in WP No 9028 of 2021 and dismiss the above Writ Petition with exemplary costs in the interest of justice

Counsel for the Petitioner:SRI. PALLE SRIHARINATH

Counsel for the Respondent No. 1: GP FOR PANCHAYAT RAJ & RURAL DEVELOPMENT

Counsel for the Respondent Nos. 2 & 3: SRI. G. NARENDER REDDYM, SC FOR GRAM PANCHAYAT

Counsel for the Respondent No. 4: SRI. C. RAGHU

The Court made the following:

THE HON'BLE SRI JUSTICE T. AMARNATH GOUD

WRIT PETITION No.9028 OF 2021

ORDER:

This writ petition is filed to issue a writ order or direction more particularly are in the nature of writ of Mandamus declaring the action of respondent No 3 in issuing impugned Order vide GP /01/2021 dt 01.04.2021 for demolition of the compound wall of the petitioner, which is constructed about 100 years back around old house No.10-70/2 situated in the agriculture private patta land in Sy No 521/A situated at Nanganur Village and Mandal, Siddipet District, without approval of the Gram Panchayat and moreover when the civil suit vide O S No 200 of 2020 for declaration of passage and his Easementary Rights and perpetual injunction before the Junior Civil Judge Court at Siddipet filed by the 4th Respondent is pending adjudication, the 3rd respondent has no power or authority to interfere with civil suit and issuing impugned order for removal of compound wall is illegal, arbitrary, without jurisdiction, discriminatory and contrary to the Panchayat Raj Act and violative of the fundamental rights guaranteed under Articles 14 and 16 of the Constitution of India and consequently set aside the impugned Order No G P/01/2021 dt 01.04.2021 of the 3rd respondent.

Since the issue revolves around the petitioner and the unofficial respondent, who belongs to the same family and biologically related, the petitioner has taken colour involving the

Grampanchayat and invoked Article 226 of the Constitution of India. There is already civil suit pending.

Having regard to the facts and circumstances of the case, without expressing any opinion on merits, in view of the balance of inconvenience, since the petitioner and the unofficial respondents are using the way, which is for ingress and egress from several years, there shall not be any obstructions till the decision in the civil suit or in the interlocutory application.

Accordingly, the writ petition is disposed of. There shall be no order as to costs.

Miscellaneous petitions, if any, shall stand closed.

//TRUE COPY//

SD/-K.SAILESHI
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Principal Secretary Panchayath Raj Department, State of Telangana, Secretariat Buildings, Hyderabad.
2. District Panchayat Officer, Siddipet District at Siddipet.
3. The Panchayath Secretary, Gram Panchayath,, Nanganur village, Nanganur village, Siddipet District.
4. One CC to Sri. Palle Sriharinath, Advocate [OPUC]
5. One CC to Sri.G. Narender Reddy, SC for Gram Panchayat (OPUC)
6. One CC to Sri. C.Raghu, Advocate (OPUC)
7. Two CCs to GP for Panchayat Raj & Rural Development, High Court for the State of Telangana. [OUT]
8. Two CD Copies.

PM

HIGH COURT

DATED:27/04/2021

ORDER

WP.No.9028 of 2021



Disposing of the WP
Without costs.

⑩ VLW
10/5/21