

THE HON'BLE SRI JUSTICE RAVI CHEEMALAPATI

WRIT PETITION NO.23075 OF 2023

ORDER:

The present Writ Petition is filed by the petitioner, under Article 226 of the Constitution of India, seeking the following relief:

“to issue an order, direction or writ, more particularly one in the nature of Writ of Mandamus declaring the action of the respondents 2 and 3 in seeking to demolish the compound wall and form the road in the house plot of the petitioner in S.No.154/1 of Chenneri Village, Dasukuppam Gram Panchayat as illegal, arbitrary and in violation of principles of natural justice and consequently direct the respondents 2 and 3 not to interfere with the possession and enjoyment of the petitioner in respect of house plot in S.No.154/1 of Chenneri Village, Dasukuppam Gram Panchayat and pass such other or further order or orders.....”

2. The short grievance of the petitioner is that, the respondent authorities are trying to demolish the compound wall in order to form the road in the house plot of the petitioner in S.No.154/1 situated at Chenneri village, Dasukuppam Gram Panchayat, without due process of law.

3. Heard Sri P.Gangarami Reddy, learned counsel for the petitioner, learned Assistant Government Pleader for Panchayat Raj appearing for respondent No.1 and Sri G.Venkata Reddy,

learned standing counsel for Gram Panchayat appearing for respondent No.2.

4. Learned counsel for the petitioner, in elaboration to what has been stated in the affidavit contended that, the respondent authorities are trying to demolish the compound wall of the petitioner without following due process of law. He further submitted that if road is formed in the house plot of the petitioner by demolishing his compound wall, he will be put to irreparable loss and prejudice. As such, the present Writ Petition is filed and prayed to pass appropriate orders in that regard.

5. On the other hand, learned standing counsel for respondent No.2, on written instructions dated 07.09.2023, submitted that, respondent No.2 has no intention to demolish the compound wall of the petitioner. He further submitted that, on the request of the villagers, the Tahsildar has taken initiation for measuring the land at survey No.154/1 of Chenneri village to ascertain the extent of encroachment. If the encroachments are confirmed by the report of the Surveyor and Tahsildar, the authorities will act in accordance with law.

6. To the said submission, learned counsel for the petitioner requested to record the submissions of the learned standing

counsel for Gram Panchayat and prayed to pass appropriate orders in that regard.

7. Taking the submissions of both the learned counsel into consideration, instead of keeping this Writ Petition pending, this Court is inclined to dispose of the Writ Petition, with the consent of both the learned counsel, at the stage of admission itself, with the following direction:

Respondent authorities are directed not to interfere with the possession and enjoyment of the petitioner in respect of house plot situated in S.No.154/1 of Chenneri village, Dasukuppam, Gram Panchayat except under due process of law.

There shall be no order as to costs of the Writ Petition.

As a sequel thereto, interlocutory applications pending, if any in the Writ Petition, shall also stand closed.

JUSTICE RAVI CHEEMALAPATI

11.09.2023

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