

THE HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

W.P.No.17181 of 2020

ORDER:-

The present writ petition came to be filed seeking the following relief/s:

“..to issue an order or direction more particularly one in the nature of Writ of Mandamus declaring action of the 4th respondent in interfering with the construction of compound wall in the premises in Door No.2-144/1 in R.S.No.141/2B, Bharamvari Street, Razole, East Godavari District, in pursuance of the permission granted by the Gram Panchayat vide Permit No.MLR No.05, DS No.05/2019-20, dated 07.06.2019, as illegal, unjust and arbitrary, contrary to AP Panchayat Raj Act, violative of principles of natural justice and as such liable to be set aside with a consequential direction not to interfere with the construction of the compound wall and building without following any due process of law and pass such other order...”

The averments in the affidavit filed in support of the writ petition are to the effect that the petitioner, having purchased a house plot admeasuring 2 ½ cents at D.No.2-144/1 in R.S.No.141/2B at Bharamvari Street, Razole, in the year 2007, applied for building permission and the same was given by the 4th respondent on 07.06.2019. Thereafter, the petitioner constructed a house, as per the sanctioned plan, and while the petitioner was constructing compound wall, on the complaint said to have been given by 5th respondent and others, who are no way concerned with the house plot, the authorities are trying to interfere with the construction of the compound wall and are threatening to demolish the same, without following due process of law.

Sri I. Koti Reddy, learned standing counsel appearing for the respondents, on instructions, submits that when the authorities intended to conduct the survey, the petitioner is not making himself available and as such it would be just and proper to direct the petitioner to co-operate for conducting the survey and after demarcation, the petitioner can proceed with the construction of the compound wall.

The same is not seriously disputed by the learned counsel for the petitioner. However, he submits that if reasonable time is given, the petitioner will make himself available and be present at the time of survey.

Having regard to the statements made across the Bar, the respondents shall take steps for conducting survey through Mandal Surveyor on 05.10.2020. The authorities shall inform the 5th respondent about the survey being done on 05.10.2020. It is needless to mention that the petitioner shall also be present at the time of survey and raise objections, if any. Basing on the survey report, the petitioner shall proceed further with the construction of the compound wall.

With the above directions, the Writ Petition is disposed of. There shall be no order as to costs.

Miscellaneous Petitions pending, if any, shall stand closed.

JUSTICE C.PRAVEEN KUMAR

30.09.2020
Vjl

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VJL