

HON'BLE SRI JUSTICE BATTU DEVANAND**WRIT PETITION No.6106 OF 2021****ORDER:**

01. This Writ Petition has been filed against the action of the respondents in taking steps for demolition of the petitioner's house bearing No.4-135 in R.S.No.94 to an extent of Ac.0.04 cents situated at Laksmaneswaram Village, Narasapuram Mandal, West Godavari District, for the purpose of construction of Rythubarosa Centre without giving any notice and without following due process of law as illegal, arbitrary and violative of principles of natural justice.

02. Heard Sri Rambabu Koppineedi, learned counsel for the petitioner, and the learned Government Pleader for Revenue appearing for Respondent Nos. 1 to 4 and Sri I. Koti Reddy, learned Standing Counsel appearing for Respondent No.5 and the learned Government Pleader for Home appearing for Respondent No.6.

03. The case of the petitioner is that the petitioner is the owner and possessor of house bearing No.4-135 constructed in the land to an extent of Ac.0.04 cents in R.S.No.94 situated at Laksmaneswaram Village,

Narasapuram Mandal. Originally the said land belongs to his ancestors and he got the house property by way of succession. The petitioner's grand father constructed a thatched house and resided there and after that the family of the petitioner constructed a house with RCC roofed sheets. The petitioner is paying house tax to Respondent No.5. The petitioner is also having electricity connection. The family of the petitioner is residing in the said house without let or hindrance from anybody from all these years. His house is situated near Canal. There are several houses besides his house. The land in Sy.No.94 is shown as Government Poramboke (Canal) in the revenue records.

04. Learned counsel for the petitioner submits that the Revenue and Gram Panchayat authorities came to the house of the petitioner on 25.02.2021 and took measurements for conducting survey. On enquiry, they informed the petitioner that they are going to construct Rythubarosa Centre in the said land and directed us to vacate from the house. The petitioner requested respondent No.4 not to dispossess them by showing house tax and electricity tax receipts, but the

respondents did not consider the request of the petitioner. On 06.03.2021, the Revenue and Panchayat Authorities again came there with police constables along with bulldozers and other machinery to demolish the house of the petitioner. The petitioner requested the authorities to follow due process of law. The respondent authorities went from there saying that they will come again for demolition of the house. With the threat of demolition by the respondent authorities, the petitioner filed this Writ Petition.

05. Respondent No.5 filed Counter Affidavit. In the Counter Affidavit, it is clearly stated that the land in an extent of Ac.0.04 cents in R.S.No.94 was classified as Canal and the petitioner illegally raised a thatched house and small shed with asbestos sheets. The house number mentioned in the affidavit belongs to Koppanathi Subbaraju, but not belongs to the petitioner. It is also averred in the Counter Affidavit that the petitioner recently removed the said thatched house and commenced the construction of pakka building with pillars. After noticing the same, the gram panchayat informed the petitioner not to make any

permanent construction without the permission from the gram panchayat. Then immediately, the petitioner approached this Court with apprehension that the illegal constructions made by the petitioner without any permission may be demolished by the respondents. However, in the Counter Affidavit, respondent No.5 averred that the grama panchayat intended to issue notice to the petitioner and they follow the procedure for removal of the encroachments.

06. Having heard the submissions of the learned counsel appearing on either side and upon perusal of the material available on record, by considering the averment made in the Counter Affidavit by respondent that they intended to issue notice to the petitioner and to follow the procedure for removal of encroachments, in the considered opinion of this Court, this Writ Petition can be disposed of recording the statement of respondent No.5 to meet the interest of justice.

07. The statement of the respondent No.5 is placed on record.

08. Accordingly, this Writ Petition is disposed of directing the respondents to follow due process of law if

they intend to remove the encroachments, if any, made by the petitioner.

There shall be no order as to costs.

As a sequel, miscellaneous petitions pending, if any, in the Writ Petition shall stand closed.

JUSTICE BATTU DEVANAND

Date: 01.07.2021

Note: Furnish CC by 03-07-2021.

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Dt: 01.07.2021

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