

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

AND

HON'BLE SRI JUSTICE S.V. BHATT

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PUBLIC INTEREST LITIGATION No. 222 OF 2015

Date: 30.11.2015

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Between:

Karri Venkat Raju.

... Petitioner

And

The State of A.P., rep., by the Principal Secretary,

Panchayat Raj, Hyderabad & others.

... Respondents

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

AND

HON'BLE SRI JUSTICE S.V. BHATT

PUBLIC INTEREST LITIGATION No. 222 OF 2015

PC: (per the Hon'ble the Acting Chief Justice Dilip B. Bhosale)

Heard learned counsel for the parties.

The petitioner in the instant public interest litigation seeks the following prayer:

“Hence for the reasons stated in the accompanying affidavit the petitioner prays that this Hon'ble Court may be pleased to issue a writ or order/s or direction/s more particularly one in the nature of writ of Mandamus declaring the action of the 1st to 7th respondents in allowing the 8th and 9th respondents in making construction of compound wall in approved plan L.P.No.164/84B, adjacent to Kakinada-Pitapuram road situated at Timmapuram Village, Kakinada Rural Mandal, East Godavari District by including land allotted for common road, open space for parks of the second respondent's property by occupying the same is against Section 188 of the Panchayat Act and against the approved layout rules and consequently direct the respondents 8 and 9 to stop making construction of compound wall in around the approved layout L.P.No.164/84B, adjacent to Kakinada-Pitapuram road by including land allotted for roads and open spaces kept for parks shown in the said layout situated at Timmapuram Village, Kakinada Rural Mandal, East Godavari District as the same is contrary to law, illegal, arbitrary, without jurisdiction, violation of principles of natural justice, contrary to statute and approved layout rules and pass such other order or orders as this Hon'ble Court may deem fit and proper in the interests of justice.”

Sri N. Siva Reddy, learned counsel appearing for respondent Nos.8 and 9, on instructions, submits that the said respondents have neither undertaken any development as such over the property covered by sanctioned layout plan No.164/84B, adjacent to Kakinada-Pitapuram road situated at Timmapuram Village, Kakinada Rural Mandal, East Godavari District, nor constructed compound wall. He submits that respondent Nos.8 and 9 have already applied for cancellation of layout plan No.164/84B.

Learned Government Pleader for Panchayat Raj, on the other hand, submits that the application filed by respondent Nos.8 and 9 for cancellation of layout has already been rejected.

Learned counsel for respondent Nos.8 and 9 submits that an appeal has been preferred by the said respondents against the order of the Gram Panchayat rejecting their application for cancellation of layout.

In this backdrop, learned counsel for the parties have agreed for the order that we propose to pass. Hence, we dispose of the public interest litigation with the

following order without recording any reasons as such:

“Respondent Nos.8 and 9 shall not carry out any development or construct compound wall in the land in dispute (L.P.No.164/84B) without permission of the Gram Panchayat. If respondent Nos.8 and 9 decide to develop the land as per layout plan No.164/84B, they shall do so only after surrendering road and open space shown therein to the Panchayat.

The appeal filed by respondent Nos.8 and 9 against the order of the Panchayat rejecting their application for cancellation of layout is directed to be heard by the concerned authority as expeditiously as possible and preferably within a period of six weeks from the date of receipt of this order. It is open to the petitioner to produce copy of this order before the appellate authority within a period of ten days from today.”

Miscellaneous petitions, if any, shall also stand disposed of.

DILIP B. BHOSALE, ACJ

S.V. BHATT, J

Date: 30.11.2015

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