

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

**TUESDAY, THE EIGHTEENTH DAY OF AUGUST TWO
THOUSAND AND FIFTEEN**

Present

HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.11059 of 2015

Between:

Shaik Jilani Basha, S/o. Kalesha,
Aged about 37 years,
R/o. Dugarajapatnam Village,
Vakadu Mandal,
SPSR Nellore District & another

.. Petitioners

AND

The State of Andhra Pradesh,
Rep. by its Principal Secretary
Panchayat Raj Department,
Secretariat, Hyderabad & 4 others

.. Respondents

The Court made the following:

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ORDER:

The petitioners claim to be the residents of Dugarajapatnam Village, Vaakadu Mandal, SPSR Nellore District. According to the petitioners, there is a way passing through the houses of the petitioners as well as the 5th respondent connecting to the main road. While so, the 5th respondent and another person started obstructing the way by putting up water tank indulging in taking baths, washing clothes and attending to other domestic activities on this way. Since grave inconvenience is caused to the petitioners and as the 5th respondent was not obliging the request of the petitioners not to block the way, the petitioners have submitted representations to the District Collector, SPSR Nellore District, Nellore (2nd respondent), dated 11.08.2014 and 01.09.2014. The said representations were forwarded to the District Panchayat Officer, SPSR Nellore District, Nellore (3rd respondent). The 3rd respondent made endorsements on the representations asking the Panchayat Secretary, Dugarajapatnam Grama Panchayat, Vakadu Mandal, SPSR Nellore District (4th respondent) to look into the grievance. On 27.08.2014, the District Panchayat Officer in Memo ROC No.1610/2014/A6, dated 27.08.2014, also directed the Panchayat Secretary to attend to the grievance of the

petitioners and if there is any such obstruction to remove those encroachments. This writ petition is instituted alleging that

in spite of the grievance raised by the petitioners and in spite of the directions issued by the District Panchayat Officer, so far no remedial steps are taken and the 5th respondent continued to block the way creating lot of hardship and suffering to the petitioners.

2. As seen from the averments in the affidavit filed in support of the writ petition and the material papers enclosed to the writ petition, a representation was submitted on 11.08.2014 ventilating the grievance regarding blockage of way by the 5th respondent and the same is yet to be attended to. It is seen from the proceedings, dated 27.08.2104, that a direction was issued to the Panchayat Secretary to look into the grievance, but so far no orders are passed.

3. Learned Standing Counsel states that according to the oral instructions furnished to him, though no orders are passed on the representation submitted by the petitioner on 11.08.2014, but on verification, it was found that the passage is not blocked completely as alleged by the petitioners.

4. Be that as it may, apparently so far, no orders are passed on the representation submitted by the petitioner on 11.08.2014 and no remedial steps are taken as directed by the District Panchayat Officer in his Memo, dated 27.08.2014.

5. Having regard to the same, the Panchayat

Secretary, Dugarajapatnam Grama Panchayat, Vakadu Mandal, SPSR Nellore District (4th respondent) is directed to attend to the grievance of the petitioners as ventilated in their representation, dated 11.08.2014. If it requires the hearing of the 5th respondent, the Panchayat Secretary shall afford due opportunity to the 5th respondent to submit explanation and after considering such explanation, appropriate orders shall be passed, as expeditiously as possible, preferably within a period of four (4) weeks from the date of receipt of a copy of this order. The petitioner is directed to furnish a copy of the representation addressed to the District Collector, SPSR Nellore District, Nellore (2nd respondent), dated 11.08.2014, as well as the Memo of the District Panchayat Officer, SPSR Nellore District, Nellore (3rd respondent), dated 27.08.2014, to the Panchayat Secretary immediately.

6. With the above observations, the Writ Petition is disposed of. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

P.NAVEEN RAO, J

Date: 18th August, 2015

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HON'BLE SRI JUSTICE P.NAVEEN RAO

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