

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

MONDAY, THE SEVENTEENTH DAY OF AUGUST TWO
THOUSAND AND FIFTEEN

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Present

HON’BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.25933 of 2015

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Between:

Masaravapu Apparao,
S/o. Sanyasi Naidu,
Aged 60 years, R/o. Vada Cheepurapalli,
Paravada Mandalam,
Visakhapatnam District.

.. Petitioner

AND

The State of Andhra Pradesh,
Rep. by its Principal Secretary
(Panchayat Raj),
Secretariat, Hyderabad & 3 others

.. Respondents

The Court made the following:

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ORDER:

The petitioner claims to have purchased 196 square yards of land in Survey No.368, situated at Vada Cheepurupalli Village, Paravada Mandal, Visakhapatnam, on 16.07.2001 and ever since he is in possession and enjoyment. Earlier, a dispute between him and another person was resolved on account of the decree passed in O.S.No.259 of 2001. Now the adjacent Ramalayam Temple was demolished and a foundation stone was laid on 01.07.2015 proposing to construct a community hall. The proposed construction of community hall is also extending to the land owned and possessed by the petitioner. In spite of serious protest on such action, grievance is not attended to. At the instance of the elected Mandal Praja Parishad President and Gram Sarpanch, deliberately the construction is proposed on the land belonging to the petitioner without following the due process on 09.08.2015. The construction material is also dumped.

2. As seen from the averments in the affidavit filed in support of the writ petition and the material papers do not show that the grievance of the petitioner is ventilated before the competent authority. No material is filed to show that the respondents are encroaching into the land of the petitioner to construct a community hall. These are the issues which require to be examined by the competent authority and if only

the competent authority does not attend to the grievance agitated by the petitioner, the petitioner can invoke the jurisdiction of this Court. Thus, at this stage, the writ petition in the present form is not maintainable. However, as stated by the learned counsel for the petitioner, the petitioner would be advised to submit a detailed representation to the District Panchayat Officer ventilating his grievance that illegally the 4th respondent Gram Panchayat is taking up construction of community hall covering the land of the petitioner without following the due process. As and when such a representation is made, the District Panchayat Officer shall consider and take appropriate decision, as warranted by law, after duly examining the relevant records, preferably within a period of three (3) weeks from the date of receipt of a copy of the representation.

3. 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: 17th August, 2015

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HON'BLE SRI JUSTICE P.NAVEEN RAO

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