

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

WRIT PETITION No.21871 of 2015

BETWEEN:

Konakalla Ranga Rao,
S/o. Rama Swamy.

.. **Petitioner**

AND

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

.. **Respondents**

DATE OF JUDGMENT PRONOUNCED: 27.08.2015.

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

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| 1. Whether reports of Local newspapers
may be allowed to see the judgments? | YES/NO |
| 2. Whether the copies of judgments may be
marked to Law Reporters/Journals. | YES/NO |
| 3. Whether their Ladyship/Lordship wish to
see the fair copy of the Judgment ? | YES/NO |

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

Writ Petition No.21871 of 2015

ORDER:

The writ petition is filed seeking a *Mandamus* declaring the action of the fourth respondent-Paddarayudu Thota Gram Panchayat

of Movva Mandal, Krishna District, in issuing the impugned notice dated 11.06.2015, as illegal and arbitrary and consequently to set aside the said notice.

Heard Sri G. Udaya Bhaskar, learned counsel for the petitioner and the learned Government Pleader for Panchayat Raj for respondents 1 to 3 and Sri Ch. Ravi, learned counsel for the fourth respondent.

According to the petitioner, he is a resident of Kollapalem, hamlet of Paddarayudu Thota Gram Panchayat, Movva Mandal.

It appears that the petitioner has gifted the land in front of the compound wall constructed by him to the Gram Panchayat and the Gram Panchayat has taken and accepted the gift given by the petitioner. This space is now become part of R & B Road and is being used by villagers. The petitioner constructed the steps leading into this road.

The village records were verified and it was found that a gift was given by the petitioner's family and it was accepted by the Gram Panchayat, through Resolution No.91, dated 25.02.2009. Accordingly, the decision was taken to form a road in front of the house of the petitioner. After due verification of the record, notice was issued by the Mandal Parishad Development Officer (MPDO), Movva Mandal on 21.05.2015 informing the petitioner about the rights of the Gram Panchayat regarding the space in front of the house of the petitioner. Thereafter, notice was issued on 11.06.2015 by the Panchayat Secretary, Paddarayuduthota Gram Panchayat directing the petitioner to remove those two steps which are formed outside the compound wall into the road. The petitioner challenges the said notice.

As seen from the report of the MPDO, Movva Mandal, dated 01.04.2015 and photographs enclosed to the writ petition, it appears that the road in front of the compound wall is a public road and steps constructed by the petitioner are stretching into the public

road. If it is the case of the petitioner that the land in front of the compound wall belongs to him, the petitioner could not have constructed the compound wall leaving open space outside compound wall. As seen from the report of the MPDO also, it appears that long ago the subject land was given to the Gram Panchayat by way of gift. The impugned notice was issued on the basis of the report of MPDO after conducting thorough enquiry. If the petitioner now disputes the gift, it is open to him to avail civil law remedy before the appropriate court. Therefore, I do not see any error in the impugned notice issued to the petitioner.

Accordingly, the writ petition is dismissed. There shall be no order as to costs. Miscellaneous Petitions, if any pending in this writ petition, shall stand closed.

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P. NAVEEN RAO, J

Date: 27.08.2015
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THE HON'BLE SRI JUSTICE P. NAVEEN RAO

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