

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

WRIT PETITION NO.25188 of 2015

Between :

Raja Venkataramanaiah S/o.Hazarat Setty,
Aged about 50 yrs, Occu : Petty Business,
R/o.Anumasamudram Peta, Anumasamudram mandal,
Nellore District.

.. Petitioner

and

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

.. Respondents

DATE OF JUDGMENT PRONOUNCED : 12.08.2015

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SUBMITTED FOR APPROVAL:

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THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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1. Whether Reporters of Local Newspapers : Yes / No
may be allowed to see the Judgments ?

2. Whether the copies of judgment may be : Yes / No
marked to Law Reporters/Journals

3. Whether Their Lordship wish to : Yes / No
see the fair copy of the Judgment ?

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.25188 of 2015

ORDER :

The petitioner claims to be the owner of house plot to an extent of 668.89 Square meters in Sy.No.133 of Anumasamudram Peta Village and Mandal, which was purchased by him by way of a registered settlement deed dated 09.02.1999. In the year 2000, the petitioner submitted application to the 3rd respondent-Gram Panchayat, for building permission for construction of rooms in the said site and accordingly, rooms were constructed. As the village is having lot of flow of pilgrims due to location of Hazarat Nayan Darga, the petitioner intended to lease out the said rooms. As the petitioner was in the process of leasing out the rooms constructed by him, earlier in April, 2015, the 3rd respondent tried to construct a dustbin with cement bricks in front of his house on the exclusive passage available to the petitioner for ingress and egress. The petitioner resisted such construction and on 16.05.2015, he submitted an application to the Mandal Surveyor for demarcation of his site in accordance with the boundaries shown in the settlement deed dated 09.02.1999. The Mandal Surveyor has given the report which would clearly show that it is an ingress and egress to the petitioner's plot. While so, again the material is now dumped in order to construct the dustbin just to harass and humiliate the petitioner. Since the petitioner is left with no other option, as no steps are taken by the 3rd respondent, this writ petition is filed.

2. The averments made in the affidavit filed in support of the writ petition and the material papers enclosed, do not disclose that the petitioner has raised his grievance regarding such illegal obstruction of passage to his plot and construction of a permanent dustbin. Thus, the petitioner shall ventilate his grievance to the District Panchayat Officer, Nellore (2nd respondent) by enclosing all the relevant documents in support of his claim.

3. Having regard to the above, the writ petition is disposed of, directing the petitioner to ventilate his grievance to the 2nd respondent, by enclosing all the relevant documents in support of his claim. Such a representation should be submitted within a period of one week from the date of receipt of copy of this order and the 2nd respondent shall cause enquiry into the grievance of the petitioner and after affording due opportunity, pass

appropriate orders as warranted by law within a period of three weeks from the date of receipt of such representation. Prima-facie as seen from the surveyor report, the proposed dustbin appears to be just in front of the passage available to the petitioner for ingress and egress to his property. Therefore, pending consideration of the grievance of the petitioner, the 3rd respondent is directed not to make any further construction and not to obstruct the said passage. It is open to the 3rd respondent to place all the relevant material in support of his decision, before the District Panchayat Officer. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

P.NAVEEN RAO,J

12th August, 2015.

Note :Issue C.C. in three days.

B/o.
Rds