

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

WRIT PETITION No.23082 of 2015

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Between:

Arja Seshadri Rao, S/o. Subba Rao,
Aged 60 years, R/o. 2-306, Janakiramapuram,
IV Ward, Nageswara Rao Pet Panchayat,
Bantumilli Mandal, Krishna District.

.. Petitioner

AND

The Grampanchayat, Nageswararaopet,
Rep. by its Secretary,
Bantumilli Mandal,
Krishna District & 3 others

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 27.07.2015

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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| 1 | Whether Reporters of Local newspapers may be allowed to see the Judgments? Yes/No |
| 2 | Whether the copies of judgment may be marked to Law Reports/Journals Yes/No |
| 3 | Whether His Lordship wish to see the fair copy of the Judgment? Yes/No |

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HON'BLE SRI JUSTICE P.NAVEEN RAO

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ORDER:

The petitioner claims that D-form was granted to him in the year 1993 allotting Ac. 0.05 cents of residential site in Plot No.20 in R.S.No.162/3, which is abutting the village road in Janakiramapuram, Nageswara Rao Pet Panchayat, Bantumilli Mandal, Krishna District. As directed, the petitioner has left a set back of 5 feet on both front and back sides of the said site and constructed his house and living there. While so, the respondent Gram Panchayat is trying to lay drainage pipeline adjacent to the compound wall and threatening to remove the compound wall to accommodate the drainage pipeline.

2. Learned counsel for the petitioner contends that there is already a drinking water pipeline running through a small space available adjacent to the compound wall of the petitioner and the concrete road and, therefore, by laying the drainage pipeline in the same place, it would damage the drinking water pipeline, which could be hazardous to the health of the family members. Learned counsel for the petitioner further submits that since the road margin was very small, it cannot accommodate the drainage pipeline and, therefore, necessarily the wall of the petitioner would be removed and the respondent Gram Panchayat is threatening to remove the wall without following the due process. Hence, this writ petition.

3. The averments made in the affidavit filed in support of the writ petition are vague. There is no substantial material brought on record to show that the respondent Gram Panchayat is constructing a drainage pipeline in deviation of the norms and procedures of such construction and that there exists a drinking water pipeline which could be affected if the drainage pipeline is constructed and that they are threatening to remove the compound wall of the petitioner without following the due process of law. The petitioner has not made any complaint to the authorities in the Gram Panchayat or to the higher authorities, but straight away instituted the writ petition. Thus, the writ petition in the present form cannot be entertained and it is liable to be dismissed. At this stage, learned counsel for the petitioner submits that the petitioner would be advised to make a representation to the Gram Panchayat ventilating his grievance.

4. Thus, leaving it open to the petitioner to ventilate his grievance before the respondent Gram Panchayat of what is alleged in the writ affidavit, the Writ Petition is dismissed. It is needless to observe that as and when such a representation is made, the Gram Panchayat shall consider the same and pass appropriate orders, as warranted by law. 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: 27th July, 2015

Note: Issue C.C. by 30.07.2015.

(B/o.)

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HON'BLE SRI JUSTICE P.NAVEEN RAO

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Date: 27th July, 2015

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