

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

WRIT PETITION No.24415 of 2015

Between:

Kotipalli Venkata Ramana,
S/o. Late Suryarao,
Aged about 38 years, R/o. 4-168,
Thimmapuram,
Kakinada Rural Mandal,
East Godavari District.

.. Petitioner

AND

The State of Andhra Pradesh,
Rep. by its Principal Secretary,
Municipal Administration Department,
Secretariat, Hyderabad & 8 others

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 05.08.2015

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? | No |
| 2 | Whether the copies of judgment may be marked to Law Reports/Journals | No |
| 3 | Whether His Lordship wish to see the fair copy of the Judgment? | No |

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HON'BLE SRI JUSTICE P.NAVEEN RAO

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ORDER:

The petitioner claims to be the owner and in possession of land admeasuring 269 square yards in Survey No.71/9, Plot No.52, forming part of layout No.371/86, situated at Thimmapuram Village, Kakinada Rural Mandal, East Godavari District. The petitioner claims to have purchased the said property by way of registered Sale Deed bearing Document No.4847 of 2008, dated 15.12.2008. As verified by the petitioner, at the time of purchase of the property, there was free access to the main road i.e., Kakinada to Pitapuram main road, which is only about 100 meters. According to the petitioner, there is one more layout formed bearing L.P.No.164/84 adjacent to the layout of the petitioner and the road earmarked in the petitioner layout is connected to the main road formed under approved layout vide L.P.No.164/84.

2. The grievance of the petitioner is that the road which connects these two layouts and which ultimately connects to the main road is now being blocked. Several representations have been made ventilating the grievance, but the same is not attended to. In fact, an ex-ward member of the Gram Panchayat also complained of such illegal action and on the same, when representation was received by the District

Panchayat Officer, Kakinada, East Godavari District (5th respondent), he has made an endorsement on the same day to enquire into the matter, but so far, no enquiry is conducted. Having waited for considerable time after the representation was submitted by the ex-ward member, the petitioner has also submitted detailed representation to various authorities, but so far, no action is taken. The grievance of the petitioner is that the respondent authorities are illegally not acting on the complaint given by the petitioner and when glaringly the layout sanctioned is violated and the road to approach to the main road is being blocked, the authorities ought to have acted upon the said complaint and taken appropriate decision and inaction on their part is arbitrary.

3. Having regard to the fact that the representation submitted by the petitioner is pending consideration with the respondent authorities, I deem it proper to dispose of the writ petition, without expressing any opinion on merits, directing the District Panchayat Officer, Kakinada, East Godavari District (5th respondent) to consider the said representation and examine the grievance of the petitioner vis-à-vis, the approved layout sanctioned bearing Nos.164/84 and 371/86 of Thimmapur Village, Kakinada Rural Mandal, East Godavari District and if the grievance ventilated by the petitioner is valid, the District Panchayat Officer shall take appropriate course of action, as warranted by law, within a fixed time frame. It is necessary to put on notice the persons, who are alleged to have committed the breach of the violation of the layout sanctioned, due opportunity should be given to them before

passing appropriate orders. It is made clear that there is no expression of opinion on merits of the case and the rights of the respective parties are preserved. The entire exercise shall be completed within a period of six (6) weeks. The petitioner as well as the persons against whom the allegation is made should also be given an opportunity of personal hearing. The District Panchayat Officer is also directed to immediately first verify *prima facie* whether there is any violation as alleged by the petitioner and if the District Panchayat Officer is of the opinion that there is *prima facie* violation, he shall ensure that no further construction takes place.

4. Accordingly, 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: 5th August, 2015

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HON’BLE SRI JUSTICE P.NAVEEN RAO

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