

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

Writ Petition No. 5191 of 2009

ORDER :

It is the case of the petitioner that he is the resident of Varakavipudi village and his house is situated on the North-Western side of the said village and same is located at the dead end of North-South road which connects to his house and others houses to the Nellor to Ananthapuram Village main road. While so, one Mr. V.Raja Rami Reddy, the 5th respondent got demolished the compound wall of the petitioner on 05.09.2008 and started to dig pits in the CC road adjacent to his house deviating his original plan by encroaching 5.8' feet from the old compound wall. The petitioner along with others raised objection, approached the Sarpanch of the Varakavipudi Grampanchayat and requested to stop the proposed construction to be made by the 5th respondent on the road as the same will cause obstruction to the movements of the vehicles in that road. The 5th respondent never heeded the objection of the Sarpanch. On 07.09.2008, the petitioner complained about the same to the Panchayat Secretary Varakavipudi Gram Panchayat-4th respondent, but in vain. Thereafter, the petitioner filed representation to the Mandal Revenue Officer, T.P.Gudur Mandal on 09.09.2008 to take immediate action against the 5th respondent. The said M.R.O did not take any action. The petitioner made representation to the 1st respondent, but no action has been taken by him against the 5th respondent. When the petitioner filed W.P.No.20733 of 2008, this Court by order dated 23.09.2008 directed the petitioner to obtain information from the Gram Panchayat as to the actual width of road at the point where the 5th respondent constructed the compound wall. In pursuant to the said order, the petitioner made representation on

25.09.2008 to the 2nd and 4th respondents under RTI Act, the 4th respondent gave reply on 11.10.2008 stating that there is no record available in respect of village plan and internal roads of the village. The above said writ petition was disposed of leaving it open to the petitioner to furnish further particulars and the 3rd respondent therein shall in turn issue reply to the petitioner within a period of two months from the date of receipt of a copy of the order. After receipt of the said orders, the 4th respondent measured the road and found that the 5th respondent made construction by extending 5 feet from the original compound wall. Aggrieved by the inaction of the respondents, the present writ petition is filed.

2. Counter affidavit is filed by the 3rd respondent stating that street maps have to be maintained by the gram panchayat and that no street maps pertaining to the gram panchayats are maintaining in the revenue offices. The Panchayat Secretary had informed that the village plan and the internal road plan are not available with the gram panchayat and that for want of village street plan, the Mandal Surveyor could not survey the street. It is stated that this respondent is no way concerned with the dispute in the writ petition. It is stated that the disputed site is in Sy.No.604 measuring an extent of Acs.24.80 cts is classified as 'Grama Natham' vested with gram panchayat as per the revenue records and that it is the existing old village but not in the layout formed by the Government.

3. Heard Sri A.Chandraiah Naidu, learned counsel for the petitioner and Sri G.Seshadri, learned Standing Counsel for the 4th respondent.

4. The grievance of the petitioner is that the 5th respondent is encroaching the public road, but petitioner has not shown any authenticated proof regarding the width of the road as alleged by him. Even in earlier round of litigation in writ petition i.e., W.P.No.20733 of 2008, the petitioner has not produced any material to show the width

of the road to find out what is the extent of road encroached by the 5th respondent, as such, this Court disposed of the said writ petition directing the respondents to give reply to the petitioner on his representation.

5. Sri G.Seshadri, learned Standing Counsel submits that the street maps of the village map are not available with the Gram Panchayat, as such, action could not be taken and that as and when village map plan is obtained, necessary action will be initiated. He further submits that the matter has been reported to the 6th respondent. He further submits that as and when they obtain village maps from the 6th respondent showing the width of the streets, they will initiate action against the 5th respondent.

In view of above, the 4th respondent is directed to take necessary action as and when they obtain village map showing width of the streets from the 6th respondent or any proof filed by the petitioner regarding the width of the road being encroached by the 5th respondent.

With the above direction, this writ petition is disposed of. There shall be no order as to costs. As a sequel thereto, miscellaneous applications, if any pending in this Writ Petition, shall stand dismissed.

A.RAJASHEKER REDDY, J

09.09.2015.
KVS

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

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Date: 09-09-2015

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