

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

WRIT PETITION NO.25221 of 2015

Between :

Shaik Mohammad, S/o.Shaik Ismail,
Aged about 54 yrs, D.No.3/117,
Alur, Kurnool District.

.. Petitioner

and

State of Andhra Pradesh,
Panchayat Raj Department, Secretariat,
Hyderabad, rep., by its Secretary & 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

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WRIT PETITION No.25221 of 2015

ORDER :

The petitioner claims to be resident of Alur Village and Mandal, Kurnool District. According to the petitioner, 6th respondent owns a house bearing D.No.4/59, in the said village. On the southern side of his house there was a public road and 6th respondent made construction of steps and bath room in front of his house by encroaching on to the road and erected Kadapa slabs occupying the public road. In view of such illegal construction made by the 6th respondent, lot of inconvenience is caused to the public including the petitioner. The matter was enquired into by the Tahsildar, Alur Mandal, Kurnool District (5th respondent) and has submitted his report on 08.10.2012 to the District Panchayat Officer (3rd respondent), which clearly points out that illegal constructions were made. So far no action was taken. The petitioner has also submitted a representation on 09.07.2015 addressed to the District Collector, Kurnool (2nd respondent) and copies marked to the Revenue Divisional Officer, Adoni, District Panchayat Officer, Kurnool. The grievance of the petitioner necessitating institution of this writ petition is, inspite of noticing illegal constructions made by encroaching into the public road by the 6th respondent and inspite of submitting representation, no action is taken to restore the public road.

2. It appears that there is a report prepared by the 5th respondent which states that there was an encroachment into the public road. Though petitioner has submitted representation on 09.07.2015 it does not disclose such report submitted by the 5th respondent. Further more, the competent authority dealing with the matters arising out of Gram Panchayat issues is the Divisional Panchayat Officer at the district level. Instead of submitting the representation to the District Panchayat Officer, it was addressed to the District Collector.

3. Having regard to the same and as stated by the learned counsel for the petitioner, the writ petition is disposed of granting liberty to the petitioner to make a detailed representation to the District Panchayat Officer, enclosing a copy of the report of the 5th respondent. As and when such representation is made, the District Panchayat Officer shall consider the same and pass appropriate orders, if necessary by putting the 6th respondent on notice and

giving due opportunity to him. 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.
Rds