

THE HON'BLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION No.35021 OF 2012

ORDER:

This writ petition, filed under Article 226 of the Constitution of India, challenges the action of the respondents 1 and 2 in not taking steps to remove the unauthorized and illegal constructions made by the respondents 3 to 5.

2. Heard the learned counsel for the petitioner and learned Government Pleader for the 1st respondent and Sri Ravi Cheemalapati for the 2nd respondent. Despite service of notice, none appears for the respondents 3 to 5.

3. According to the petitioners, they are the residents of Vegavaram Village, Jangareddygudem Mandal, West Godavari District and the respondents 3 to 5 have sites in Western Street, near Ramalayam of Vegavaram Village. It is alleged in the writ affidavit that the respondents 3 to 5 started making constructions without obtaining any permission from the Grampanchayat as required under A.P.Panchayat Raj Act, 1994 and the respondents 3 to 5 have also encroached upon the road and raised constructions and the Grampanchayat is maintaining silence. It is the further case of the petitioners herein that the petitioners herein and other villagers submitted representations to the Revenue and Panchayat

Authorities during 'Praja Vaani' and in response to the same, the 1st respondent – District Panchayat Officer, vide Memo No.3179/2012-A4(Pan), dated 23.07.2012, directed the Panchayat Secretary/Special Officer of the 2nd respondent – Grampanchayat, to submit a report. According to the learned counsel for the petitioners, pursuant to the above said memo dated 23.07.2012, the Secretary of the Panchayat Raj issued notices on 24.08.2012 to the respondents 3 to 5 and thereafter, no further action has been taken.

4. Having issued notices on 24.08.2012, pursuant to the directions of the 1st respondent vide memo No.3179/2012-A4(Pan), this Court finds absolutely no justification on the part of the 2nd respondent in keeping quiet without proceeding further. If there is any encroachment of public property by the unofficial respondents herein, it is the duty of the 2nd respondent to protect the same. Therefore, having regard to the facts and circumstances of the case, this Court deems it appropriate to direct the 2nd respondent to proceed further pursuant to the notices dated 24.08.2012 and take appropriate action in accordance with law.

5. For the aforesaid reasons, writ petition is disposed of, directing the 2nd respondent to take appropriate action pursuant to the memo bearing No.3179/2012-A4 (Pan), dated 23.07.2012 and the notices dated 24.08.2012, within a period

of three months from the date of receipt of a copy of this order, after giving opportunity to all the stakeholders.

6. Miscellaneous petitions pending consideration, if any, in the Writ Petition shall stand closed in consequence. No order as to costs.

A.V.SESHA SAI, J

22.11.2016

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