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**THE HON'BLE SRI JUSTICE C.V.NAGARJUNA
REDDY**

WRIT PETITION No.29739 of 2015

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05.01.2016

Between:

Bhubanananda Panda

.. Petitioner

and

The State of Andhra Pradesh,
represented by its Principal Secretary,
Panchayat Raj and Rural Development Department,
Hyderabad and others

.. Respondents

Counsel for the petitioner: Mr.K.S.Murthy

Counsel for respondent Nos.1 to 3: Assistant Government Pleader
for Panchayat Raj and Rural Development (AP)

Counsel for respondent No.4: Mr.Ravi Cheemalapati,
standing counsel for Gram Panchayats (AP)

Counsel for respondent Nos.5 to 7: --

Counsel for respondent No.8: --

The Court made the following:

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ORDER:

This writ petition is filed for a *mandamus* to declare the action of the official respondents in not preventing respondent No.8 from unauthorizedly constructing a house in survey Nos.149/1 and 149/2 of Birlangi Village, Ichapuram Mandal, Srikakulam District, as illegal and arbitrary.

As notice issued to respondent No.4 was returned with the postal endorsement "refused", this Court has directed personal presence of the Panchayat Secretary of respondent No.4. He is accordingly personally present before the Court and has also filed his personal affidavit, wherein he has stated that he is the Incharge Panchayat Secretary of respondent No.4, while he is the regular Panchayat Secretary for T.Barampura Gram Panchayat, and that in connection with his official functions, he would be moving from one village to the other village, on account of which, he could not receive the registered notice sent by this Court in this case and tendered unconditional apology in this regard. Be that as it may, in the counter-affidavit filed on behalf of respondent No.4, it is, *inter alia*, mentioned that respondent No.8 was granted building permission in pursuance of which, he is raising construction.

Mr.K.S.Murthy, learned counsel for the petitioner, has submitted that in the light of the stand taken in the counter-affidavit of respondent No.4, his client may be left with liberty to question the building permission granted in favour of respondent No.8.

In the light of the above noted facts, the Writ Petition is dismissed, with liberty to the petitioner in terms of the prayer made.

As a sequel to dismissal of the writ petition, W.P.M.P.No.38533 of 2015 filed by the petitioner for interim relief shall stand dismissed as infructuous.

C.V.NAGARJUNA REDDY, J

05th January, 2016
GHN