

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

WRIT PETITION NO.7681 OF 2014

DATED:03-02-2016

Between:

L.S. Narayana Rao ... Petitioner

And

The Government of Andhra Pradesh
Rep. by its Principal Secretary
Panchayat Raj Department
Secretariat
Hyderabad
and others

... Respondents

COUNSEL FOR THE PETITIONER: Mr. T. Koteswara Prasad

COUNSEL FOR RESPONDENT NOs.1 and 2: A.G.P. for Panchayat Raj (AP)

COUNSEL FOR RESPONDENT NO.3 : Mr. G. Seshadri

COUNSEL FOR RESPONDENT NO.4 : None appeared

THE COURT MADE THE FOLLOWING:

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ORDER:

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At the interlocutory stage, the writ petition is heard and disposed of finally.

The petitioner, who is a neighbour of respondent No.4, has made a representation before respondent No.3 on 31.01.2014 with multiple grievances, including that respondent No.4 has encroached upon a public lane and raised constructions unauthorizedly and that proper hygienic conditions are not being maintained by the Gram Panchayat. As the petitioner is aggrieved by non-consideration of the said representation, he has filed the present writ petition.

In the counter affidavit filed by respondent No.3 it is *inter alia* stated that there is a serious dispute between the petitioner on one side and respondent No.4 on the other, with regard to the left over land between D. No.4-63 and 4-62/a of Tank Bazar of Nidamanuru Village, and that the said left over land, which is of a width of six feet, neither belongs to the Gram Panchayat, nor the same is recorded in the Gram Panchayat records, as it is purely a private land, over which the Gram Panchayat has no right. Respondent No.3 has also asserted that maintenance of sanitation being the duty of the Gram Panchayat, the same is being maintained well. With regard to the grievance relating to drainage, respondent No.3 has stated that the drainage canal in front of D. No.4-62 is passing through private passage and the same is neither handed over to the Gram Panchayat nor being used by the public. Respondent No.3 has also taken the stand that the private disputes exist between the petitioner and respondent No.4, over which respondent No.3 has no jurisdiction, and instead of approaching the Civil Court for resolution of the same, the petitioner has made a representation before respondent No.3. No reply affidavit is filed

controverting the averments in the counter affidavit, as referred to above. Therefore, this Court has no reason not to accept the plea raised by respondent No.3 that the disputes between the petitioner and respondent No.4 are private disputes over which respondent No.3 has no jurisdiction or control. In this view of the matter, the writ petition is without any merit and the same is accordingly dismissed.

As a sequel to dismissal of the writ petition, W.P.M.P. No.9556 of 2014 shall stand disposed of as infructuous.

C.V. NAGARJUNA REDDY, J

03-02-2016

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