

THE HONOURABLE SRI JUSTICE CHALLA KODANDA RAM
WRIT PETITION No.9677 OF 2016

ORDER:

Petitioners claim to be the villagers of Kanakaveedu Village, Nandavaram Mandal, Kurnool District and they also claim to be devotees of Sri Bheerappa Swamy Temple. The open Grama Kantam land available in front of said Temple in survey No.510 of Kanakavedu Village is being used for festivals, etc. It is the case of the petitioners that beside the Grama Kantam land, the house of the 7th respondent is situated, which is occupied by the 7th respondent. Having not satisfied with the same, the 7th respondent is making efforts to construct a shopping complex in the land adjacent to his house. If the same is allowed, it would cause obstruction to the free movements of the traffic. Petitioners have made a complaint to respondents about illegal occupation/proposed construction of the 7th respondent, but no action is taken. Hence, the present writ petition.

When the matter came up for hearing on 23.03.2016, the learned Standing Counsel appearing for R.6-Kanakaveedu Grama Panchayat was instructed to get instructions. Learned counsel placed on record the written instructions dated 28.03.2016 submitted by the Panchayat Secretary, Kanakaveedu (V), Nandavaram (M), Kurnool District wherein the 6th respondent had categorically asserted that the land belongs to Village Grama Kantam. It is further submitted that the application filed by the 7th respondent seeking permission for construction is pending with Gram Panchayat. However, no permission as such has been granted as on date. The instructions further state that there is no

truth in the averments of the petitioners that they submitted a representation, much less representation dated 30.11.2015, before the 6th respondent. Further, it is asserted inasmuch as application filed by the 7th respondent is pending and no permission as such has been granted as on date, the 7th respondent shall not be allowed to proceed with any construction without prior permission of the Gram Panchayat.

Having considered the material placed on record and in the light of the categorical assertions on the part of the 6th respondent in the written notes submitted through the learned Standing counsel that 7th respondent shall not be allowed to proceed with any construction in the absence of a construction plan and approval of the same, the grievance of the petitioners stands redressed. However, it is made clear that the 6th respondent is duty bound to ensure protection of Grama Kantam land in all respects.

With above observations, the Writ Petition is disposed of. There shall be no order as to costs.

Miscellaneous petitions pending consideration, if any, in the Writ Petition shall stand closed in consequence.

Justice Challa Kodanda Ram

30th March, 2016.

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