

HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI

WRIT PETITION No.25723 OF 2006

Date 12.12.2017

Between:

Mogili China Venkaiah.

... Petitioner

AND

The Secretary, Alluru Gram Panchayat, Alluru, Nellore
District and others.

.....Respondents



HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI

WRIT PETITION No.25723 of 2006

ORDER:

The Writ Petition is filed to declare the action of respondents, in pulling down the house of the petitioner, where he, along with his handicapped children, resided, as being illegal and arbitrary.

Brief facts of the case, according to the petitioner, are that his house (thatched hut) was assessed to tax, and have electricity connection under LT I Category; respondent No.2, the President of Water Users Association, destroyed the thatched shed in collusion with gram panchayat without following due process of law; and though he approached the Mandal Revenue Officer, Alluru, by way of representation dated 13.11.2006, no action has been taken. Hence the writ petition.

Heard the learned counsel for the petitioner and Sri G.Sheshadri, learned Standing Counsel for MPP – ZPP.

Writ petition was admitted on 05.06.2007, and the interim relief, sought for seeking re-erection of thatched hut, was dismissed.

Counter affidavit has been filed by respondent No.1, Panchayat Secretary, Allur Gram Panchayat, SPSR Nellore District, *inter alia* stating that the petitioner was residing in a site to some extent belonging to R&B road margin and to some extent to PWD Channel margin; respondent No.2

executed PWD channels for the benefit of Ayacuttdars; the officials of Roads and Buildings Department laid cement road; all the people, including the petitioner, who encroached R&B site, were evicted; petitioner was given notice and was evicted therefrom; there is no house, as such, as alleged by the petitioner; Gram Panchayat has not initiated any steps for eviction of the petitioner, and the Roads and Buildings Department, for the purpose of road widening, evicted encroachers with due notice; and, as such, no relief can be claimed by the petitioner against Gram Panchayat.

Writ Petition was dismissed as against respondent No.2 by this Court on 23.06.2011.

According to the counter affidavit filed by respondent No.2, the petitioner, who was an encroacher, was evicted by the Roads and Buildings Department, for the purpose of road widening; and, as such, no further orders are necessary to be passed in the writ petition.

The Writ Petition is, accordingly, closed.

As a sequel, miscellaneous petitions pending, if any, shall stand closed. No order as to costs.

KONGARA VIJAYA LAKSHMI, J

Dt:12.12.2017
 usd