

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.41286 OF 2017

ORDER:

This writ petition is filed with the following prayer:

“to issue appropriate writ, order or direction especially one in the nature of a Writ of Mandamus declaring the action of the respondent-authorities in constructing Anganwadi Center or any other construction in the extent of 2 cents of land covered by Sy.No.143/8 of Seshamambapuram Harijanawada Village, Rajampet Mandal, Kadapa District within the boundaries North: House of Chinnaiah, South: Open land, East: Open land, West: Road, which is in the occupation and enjoyment of the petitioner, without issuing any notice or initiating due process of law as illegal, arbitrary, highhanded, violative of principles of natural justice, being violative of Article 14 and 300-A of the Constitution of India and consequently direct the respondents not to construct Anganwadi Center or any other construction in the said land and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and in the interest of justice.”

Heard learned counsel for the petitioner, who submits that the respondents are constructing Anganwadi Center in the petitioner's place, which was allotted to him by virtue of Certificate No.164/2013, dated 24-11-2013.

Now basing on the written instructions, learned Assistant Government Pleader for Panchayat Raj and learned Standing Counsel for respondent-Grampanchayat submit that Anganwadi Center is being constructed in Sy.No.143/2, but not in Sy.No.143/8 and boundaries wherein Anganwadi Center

is constructed are different from the boundaries claimed by the petitioner in Sy.No.143/8. A certificate issued by Surveyor is also produced, but the same is disputed by learned counsel for the petitioner to that affect. It is to be seen that these disputed questions of fact cannot be decided in the writ petition.

In view of the same, I do not see any reason to entertain the writ petition and accordingly, the same is dismissed. However, it is open for the petitioner to work out remedies available to him under law. As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

18-12-2017
Nvl

A.RAJASHEKER REDDY,J





As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY,J

07-11-2017
Nvl



