

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.3729 of 2018

ORDER:

The action of the respondents in trying to establish compost yard adjacent to double crop wet lands, situated in R.S.No.107/1A and 1B of Velagaduru Village, Undrajavaram Mandal, West Godavari District is challenged by the petitioners in this Writ Petition.

The brief facts are that the 1st and the 2nd petitioners have landed properties in an extent of Ac.1-28 cents in R.S.No.107/1A and 1B and in an extent of Ac.0-25 cents in R.S.No.107/1B respectively situated at Velagaduru village and they are in possession and enjoyment of the same. Their lands are adjacent to R&B road and on the northern side of their lands, there was irrigation channel to flow the water and one lake is also available to draw water. It is the further case of the petitioners that there was a road margin in an extent of 10 to 12 feet between the petitioners land and R&B road and in that place, the 4th respondent is intending to establish a dumping yard. Objecting the same, the petitioners made a representation dated 11.01.2018 to respondents 2 to 4, but, without considering the same and without following the procedure laid down under the A.P. Panchayat Raj Act, 1994 (in short "1994 Act"), on 02.02.2018, the respondent authorities visited and measured the land to establish the compost yard. Hence, the Writ Petition.

Heard the learned counsel for the petitioners and the learned Government Pleader for Panchayat Raj (AP) and the learned Standing Counsel for Gram Panchayat (AP).

Inasmuch as the petitioners' grievance is that the respondent authorities, without considering their representation dated 11.01.2018, have been proceeding to establish the compost yard which is contrary to the Division Bench judgment of this Court reported in **Rythu Seva Sangam, Yenamadurru, Bhiamvaram Mandal, West Godavari District Vs. Bhimavaram Municipality, Bhimavaram, West Godavari District and Others¹**. It is directed that the respondent authorities shall not proceed further for establishing compost yard in the proposed subject land, without following due process and contrary to the provisions of the 1994 Act.

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

Consequently, Miscellaneous Petitions pending, if any, in this Writ Petition, shall stand closed.

CHALLA KODANDA RAM, J.

Date: 08.02.2018.
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¹ 2012 (5) ALD 551 (DB)