

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.6387 OF 2017

ORDER:

This writ petition is filed challenging the action of the fourth respondent in granting permission to the fifth respondent for construction of Anganvadi school in petitioner's land.

The petitioner states that the land of an extent of Acs.0.03 cents situated in Parnashala Village, Tarakaturu Panchayath, Guduru Mandal, Krishna District, is being utilised for the purpose of construction of Anganvadi school in the property of the petitioner situated in R.S.No.55/3, admeasuring Acs.0.05 cents, wherein the house of the petitioner was demolished without issuing any notice.

Now a counter affidavit is filed stating that when a requisition is received from the Project Officer, ICDS Project, Bandar Rural, a vacant plot measuring Acs.0.05 cents in R.S.No.55/3-A was identified and accordingly, A1 notice was published on 04.10.2016 and no objections were received. The advance possession was handed over on 04.11.2016 and the Centre was nearing completion as on the date of filing of the counter on 21.03.2017. In the meanwhile, the petitioner submitted a representation on 19.01.2017 stating that his plot No.9, measuring Acs.0.05 cents in R.S.No.55/3 was measured by the staff of the Tahsildar, Guduru, and requested to verify for what purpose the measurement was taken up. The enquiry revealed that one late Vemu Ramanujamma, W/o late Narsaiah was assigned the said land long back. Later on, one of the legal heirs, by name, G.Nancharaiah constructed a house in that side and paying house tax to the Gram Panchayat, Tarakaturu. Presently, it is in the control of G.Nancharaiah and no other land was assigned to G.Ravi Kumar. The land assigned to them was never disturbed. The children of the original assignees settled in different

places and were working in Government Departments. Since the land, which was assigned in favour of the ancestor of the petitioner, was not disturbed, the cause of action in the present writ petition does not survive.

The writ petition is accordingly dismissed. Consequently, miscellaneous petitions, if any pending, in this writ petition, shall stand closed. There shall be no order as to costs.

A.RAMALINGESWARA RAO, J

22.02.2018
pln

