

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 26349 OF 2017

ORDER:

This writ petition is filed for the following relief:

“.....to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents 1 to 4 in not considering representation of the petitioners dated 28.06.2017 for protecting the school play ground and not preventing illegal construction of the respondents 5 and 6 by encroaching government site admeasuring 60 anaknams in Sy No 124 of Siddavaram Venkateswarapalem Village, Bogole Mandal, SPSR Nellore District as illegal, irregular, arbitrary and violative of provisions of Andhra Pradesh Panchayat Raj Act 1994 and offends Articles 14, 21 and 21A of Constitution of India and consequently direct the Respondents to see that said site is remained for public purpose without any encroachment by respondents 5 and 6....”

Learned counsel for the petitioners asserts that respondent Nos.5 and 6 herein have occupied the Village Site Poramboke Land, which, in fact, is the property of a School. He filed photographs disclosing the fact that the School is being run in the said land.

Learned counsel for respondent Nos.5 and 6 does not dispute the above said fact. He asserts that the land where the construction is made with the permission of the Gram Panchayat, is in occupation of his clients for the past 15 years and as a

matter of fact, up to Ac.0.35 cents of Village Site Poramboke land can be occupied under the Board Standing Orders-21(4) without there being any assessment.

Considering the respective submissions particularly, the admission of respondent Nos.5 and 6 that they are in occupation of the Village Site Poramboke land which is adjacent to the School, the writ petition is disposed of directing respondent No.2- District Collector, Nellore to conduct enquiry so as to ascertain whether respondent Nos.5 and 6 are in occupation of the Village Poramboke land and whether assignment can be made in favour of respondent Nos.5 and 6 ignoring the claim of the School, duly issuing notice to the petitioners as well as respondent Nos.5 and 6 and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order. Till respondent No.2 decides the issue, *status quo* obtaining as on to day shall be maintained.

Consequently, miscellaneous applications, if any shall stand disposed of. No costs.

CHALLA KODANDA RAM, J

Dt:18.04.2018
kdl

