

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

WRIT PETITION No.23029 of 2018

ORDER:

Admittedly, petitioners' forefathers donated Ac.2.00 of land in Sy.No.449/B and 110/2 of Nuzendla village and Mandal, Guntur District for construction of a Government Hospital.

2. Out of this land, the Government Hospital was constructed in Ac.1.88 cents enclosing a compound wall, but Ac.0.12 cents of land was left outside of compound wall unused. This area of land has been occupied by certain encroachers.

3. The petitioners approached the Divisional Panchayat Officer, Narasaraopet for removal of these encroachments with the help of Tahsildar.

4. Accordingly, proceedings were issued on 22-07-2017 by the Divisional Panchayat Officer, Narasaraopet (4th respondent) directing the Panchayat Secretary of Nuzendla Mandal (6th respondent) to remove the encroachments in coordination with the Tahsildar and Police Department and report compliance.

5. Notwithstanding the said order, the 6th respondent has done nothing forcing the petitioners to approach this Court by seeking a direction to the 6th respondent to implement the proceedings

dt.22-07-2017 of the 4th respondent, and in the alternative to handover the vacant land to the petitioners.

6. Now, counter-affidavit has been filed by the 6th respondent admitting the gift of land for Government Hospital by the petitioners' ancestors and also encroachment of Ac.0.12 cents of open site by some villagers for doing petty businesses.

7. While stating that said site is also under the control of the Gram Panchayat, the 6th respondent stated that if the petitioners have right over the land, they may approach the Civil Court for recovery of possession.

8. This is indeed shocking and the 6th respondent does not seem to have any perception of his duties as a responsible public official to protect the property which is under the control of the Gram Panchayat. He has also not cared for obeying the directive dt.22-07-2017 of the 4th respondent asking him to take action for removal of encroachment in the Ac.0.12 cents of land referred to above in coordination with the Tahsildar and Police Department.

9. Therefore, the Writ Petition is allowed and the 4th respondent is directed to implement the directive contained in the proceedings dt.22-07-2017 of the 4th respondent without fail by coordinating with the Revenue and Police Officials for eviction of the encroachers in Ac.0.12 cents of site referred to above. If not, the 2nd respondent shall

initiate disciplinary action against the 6th respondent under the provisions of the A.P. Panchayat Raj Act, 1994. No costs.

10. As a sequel, miscellaneous applications pending, if any, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 30-07-2018

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