

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.39921 OF 2018

Date:14.11.2018

Between:

G. Venkataramudu, S/o. G. Narayanappa,
Age 65 years, R/o.D.No.4-130, Chinmaya
Nagar, Parasannayapalli, Rappthadu
Mandal, Anantapur District and others

.. Petitioners

And

The State of Andhra Pradesh, rep., by its
Principal Secretary, Panchayat Raj
Department, A.P. Secretariat, Velagapudi,
Amaravathi, Guntur District and others

.. Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P. NAVEEN RAO**WRIT PETITION No.39921 OF 2018****ORDER:**

Heard. With the consent of learned counsel for the parties, the Writ Petition is disposed of at the stage of admission.

2. Petitioners claim to be the absolute owners and possessors of residential houses bearing D.Nos.4-130, 4-132, 4-132/A, 4-134, 4-135, 4-137, 4-138, 4-165, 4-166 and Plot No.50, respectively, of Chinmaya Nagar, Parasannayapalli, Rapthadu Mandal, Anantapur District. They allege that without following due process of law, the respondent authorities are trying to demolish the structures already existing. According to petitioners, these structures were constructed in the property belonging to them and they are not in encroachment of the public road, as alleged.

3. A reading of the notice dated 31.10.2018 impugned in this Writ Petition would show that as per the revenue records, the road width is 120 feet and more, whereas earlier only 80 feet road was laid and that petitioners are in encroachment of the road within the land earmarked for road.

4. Learned Standing Counsel for Parasannayapalli Gram Panchayat also circulated a set of photocopies of sketch plan and revenue records to show that the road width is between 120 feet and 150 feet and the Gram Panchayat is entitled to remove all encroachments within the earmarked portion of land for road and according to the Gram Panchayat, the petitioners are in encroachment of the public road and therefore the action taken by the Gram Panchayat is not illegal.

5. Having regard to the fact that certain constructions were already made and petitioners assert that their constructions were made within the private properties belonging to them, I deem it appropriate to grant one opportunity to them to place their claim of ownership before the Gram Panchayat. The petitioners shall appear before the Panchayat Secretary on 22.11.2018 at 11:00 A.M. with all the supporting documents to show that the constructions were made in the private properties. A set of photocopies of sketch plan and revenue records are now furnished to the learned counsel for the petitioners. While submitting the explanation along with the material documents, the petitioners shall also submit explanation on the stand of the Gram Panchayat regarding entry in the revenue records and sketch plans now furnished by learned Standing Counsel to the learned counsel for petitioners. On furnishing information and explanation, the Panchayat Secretary shall consider the same and pass appropriate orders as warranted by law. Till a decision is made by the Panchayat Secretary, no coercive action shall be taken against the petitioners. If the petitioners fail to appear before the Panchayat Secretary on 22.11.2018 and do not place any material before him, it is open to the respondent authorities to proceed further.

6. With the above observations, the Writ Petition is disposed of. Pending Miscellaneous Petitions, if any, shall stand closed.

P. NAVEEN RAO, J

Date:14.11.2018

Note:- Furnish C.C. in three days.

(B/o)

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