

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.42199 OF 2018

Date:23.11.2018

Between:

Karupalli Satyavathi, W/o. Tataya,
Aged about 60 years, rep., by GPA
Holder, Balla Chinnarao, S/o Saheb,
Aged 45 years, R/o.D.No.10-78,
Komaragiripatnam Village, Allavaram
Mandal, East Godavari District

.. Petitioner

And

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

.. Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.42199 OF 2018

ORDER:

Heard learned counsel for petitioner, learned Government Pleader for Panchayat Raj appearing for respondents 1 to 3 and Sri K.K. Durga Prasad, learned Standing Counsel for respondent No.4.

2. Petitioner claims to be the owner and in possession of Acs.0.05 cents (242 sq. yards) of land with thatched house bearing D.No.10-101 (previous D.No.10-80), in R.S.No.558/3, Komaragiripatnam Village, Allavaram Mandal, East Godavari District. Petitioner alleges that at the behest of respondent No.5, who owns property on the western side and northern side of the petitioner, the Gram Panchayat is taking up formation of road through the private property of the petitioner and the same is illegal.

3. From a reading of paragraph No.4 of the affidavit filed in support of the Writ Petition, it is clear that petitioner has a grievance against respondent No.5 on alleged illegal encroachment into her land and therefore she filed O.S.No.188 of 2018 pending on the file of the Principal Junior Civil Judge at Amalapuram seeking relief of permanent injunction. She also filed I.A.No.975 of 2018 seeking to grant temporary injunction and the same is pending. At this stage, this Writ Petition is filed expressing her grievance against respondent No.5, but making allegation against the Gram Panchayat. However, no material is placed on record to show that a decision was taken by the Gram Panchayat to lay road

and Gram Panchayat is now undertaking the job of laying road. The Court is not satisfied with reference to the material on record to substantiate the said allegation.

4. Hence, the Writ Petition is disposed of granting liberty to the petitioner to make appropriate application elucidating the information as to whether the Gram Panchayat has taken a decision to lay road affecting the property of the petitioner without following due process. However, as the petitioner has a grievance against respondent No.5, who is allegedly trying to encroach into her land and suit is pending before the trial Court, this order does not have any impact on the claim of respondent No.5 vis-à-vis the petitioner and the petitioner has to work out her grievance against respondent No.5 in the pending suit. Pending Miscellaneous Petitions, if any, shall stand closed.

Date:23.11.2018

KH

P. NAVEEN RAO, J