THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.42640 OF 2018

Date:05.12.2018

Between:

S.Shradrak, S/o. Abraham, 65 years,
R/o.H.No.3/74, Gudur, Gudur
Mandal, Kurnool District .. Petitioner

And

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

The Court made the following:

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ORDER:

Heard.

2. Petitioner claims that he is the absolute owner and possessor of land to an extent of Ac.0.10 cents in Survey No.784/1 of Gudur Village, having been purchased the same by way of an unregistered sale deed dated 21.03.1992. He claims that the respondent - Gram Panchayat is undertaking construction of toilets in the land belonging to him and the same is illegal. Some photographs are enclosed to the Writ Petition material paper book at page No.14 as Ex.P3 showing the construction activity on the site.

3. As the averments are vague and no material is placed on record to show that the petitioner's land is sought to be utilized for construction of toilets, learned Standing Counsel for Gram Panchayat was directed to obtain instructions. Learned Standing Counsel, on instructions, would submit that the respondent - Gram Panchayat passed Resolution No.549 A, dated 29.09.2018, to undertake construction of toilets in Survey No.782 by removing the existing toilets and the present construction activity is going on in the said land. He filed a photocopy of the plan issued by the Town Planning Supervisor, Gudur Nagarapanchayat, showing the Survey No.782 in the sketch map. He has also circulated a copy of the resolution passed by the Gram Panchayat on 29.09.2018. Learned Standing Counsel would further submit that separate resolution was passed to construct toilets nearer to the land of the

petitioner, but so far no steps are taken for construction as the existing funds are sufficient only to construct toilets in Survey No.782.

4. At this stage, learned counsel for the petitioner sought to contend that though the respondent - Gram Panchayat alleges that construction activity is going on in Survey No.782, but actually they are utilizing the land belonging to the petitioner. If the petitioner disputes the contention of the Gram Panchayat that the Gram Panchayat encroached into the land claimed to be belonging to him, petitioner has to work out his remedies as available in law. As these are the disputed questions of fact, the writ Court cannot go into the same.

5. The Writ Petition is accordingly disposed of granting liberty to the petitioner to work out his remedies as available in law. Pending Miscellaneous Petitions, if any, shall stand closed.

P. NAVEEN RAO, J

Date:05.12.2018
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