

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.44101 OF 2018

Date:11.12.2018

Between:

Gadiraju Venkata Raju, S/o. Jaggaraju,
Hindu, aged about 55 years,
R/o.Paludevarlapadu Village, Muppalla
Mandal, Guntur District

.. Petitioner

And

The State of Andhra Pradesh, rep., by its
Principal Secretary, Revenue (Panchayat
Raj) Department, Secretariat at Velagapudi,
Amaravathi, Guntur District and others

.. Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P. NAVEEN RAO**WRIT PETITION No.44101 OF 2018****ORDER:**

Heard learned counsel for petitioner, learned Government Pleader for Panchayat Raj for respondents 1 and 4; learned Government Pleader for Revenue for respondents 2 and 3 and Sri K. K. Durga Prasad, learned Standing Counsel for Gram Panchayat for respondents 5 and 6.

2. Petitioner claims to be the owner of land to an extent of Ac.0.08 cents and 12½ sq. yards situated in D.No.83-1 of Paludevarlapadu Revenue Village, Muppalla Mandal, Guntur District. He alleges that without acquiring the said land, the respondents are undertaking construction of Gram Panchayat building and the same is illegal. According to him, a philanthropist has donated the said land for construction of Gram Panchayat building in the year 2012; the donation was accepted and steps were initiated to construct the Gram Panchayat building. But, for the reasons best known, the Gram Panchayat building was not constructed. He further submits that no private land can be utilized for public purpose without following due process. However, the respondent authorities now proposed to construct the Gram Panchayat building in the land belonging to the petitioner without issuing any notice and without following due process. Therefore, he got issued legal notice dated 18.07.2018 requesting the authorities to stop the construction proposed. Alleging inaction on the legal notice issued, this Writ Petition is filed.

3. Petitioner placed reliance on the sale deed, dated 03.05.1918, to claim that his land is being affected for construction of the Gram Panchayat building.

4. Learned Standing Counsel for Gram Panchayat points out that the said sale deed is a vague document and the schedule appended thereto would disclose that except the boundaries mentioned therein, there are no other particulars to identify the land. He submits that based on such vague document, no claim can be made that the land for construction of the Gram Panchayat building is his land. According to him, proper procedure was followed by the respondent authorities; material was placed before the Grama Sabha and based on the resolution passed, proposals were submitted and after obtaining appropriate approval, steps were taken for construction of Gram Panchayat building in the place identified.

5. Since the averments in the Writ Petition are vague, as rightly pointed out by learned Standing Counsel, it cannot be said that the respondents are constructing Gram Panchayat building on the land belonging to the petitioner. Therefore, no relief can be granted to the petitioner.

6. The Writ Petition is accordingly dismissed. However, this order does not come in the way of petitioner establishing his title to the property on which Gram Panchayat building is sought to be constructed before the appropriate forum. There shall be no order as to costs. Pending Miscellaneous Petitions, if any, shall stand closed.

P. NAVEEN RAO, J

Date:11.12.2018

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