

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 44821 of 2018

Date : 11.12.2018

Between:

Chinnem Parvathi W/o Chinnem Malleshwar Age 44 years
R/o D No 6/171 Veparala Village Mylavaram Mandal YSR
Kadapa District

Petitioner

And

The state of Andhra Pradesh
Rep by its Principal Secretary Panchavat Raj and Rural
Development Department Amaravathi Guntur District AP
& others

Respondents

The Court made the following:



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ORAL ORDER:

Petitioner claims that she is owner of property bearing Door No.6/171 admeasuring 77 sq.yards in Survey No. 163, Veparala village, Mylavaram mandal, YSR Kadapa district and is in possession and enjoyment of the same. Petitioner alleges that few days before institution of the writ petition, respondents tried to lay the road through his property for widening the road without following due process. Petitioner alleges that private land of the petitioner is sought to be utilized for public purpose and the same is illegal.

2. Except for the said averments and the documents to show that the property was purchased by petitioner, no material is placed on record to show that petitioner complained to the competent authority on trying to utilize the private property for public purposes, therefore Court is not inclined to entertain the writ petition at this stage. Respondent authorities cannot be expected to utilize the private land for public purposes without following due process. If local authorities are trying to encroach into the land of the petitioner, petitioner ought to have complained first to the competent authority and if there is no response and if encroachment took place, petitioner can invoke jurisdiction of this Court but directly approaching this Court against alleged road widening is unwarranted. Further, no material is placed to show such road widening is going on in the village.

Thus, while granting liberty to the petitioner to submit representation to the Executive Engineer, R & B Department/2nd respondent as well as Special Officer, Veparala Gram Panchayat/4th respondent, ventilating her grievance, the writ petition is disposed of. It is needless to observe that if such a representation is made within one

week from the date of receipt of copy of this order, the 2nd and 4th respondents shall consider the same and if private property of the petitioner is sought to be utilized for public purpose, due process shall be followed before dispossessing the petitioner from the subject property. Miscellaneous petitions, if any pending, are closed.

DATE: 11-12-2018
TVK

P NAVEEN RAO,J



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