

(SHOW CAUSE NOTICE BEFORE ADMISSION)
IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATHI
(SPECIAL ORIGINAL JURISDICTION)

FRIDAY, THE TWENTY FIRST DAY OF JULY
TWO THOUSAND AND TWENTY THREE

:PRESENT:

THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI
WRIT PETITION NO: 18207 OF 2023



Between:

Nalli Nageswara Rao, S/o Subbaiah, Hindu, aged 63 years, R/o 2-98/1,
Valasapalli village, Musunurumandalam, Eluru district.

Petitioner

AND

1. The State of Andhra Pradesh, Rep. by it's Principal Secretary (PR and RD), Secretariat buildings, Velagapudi, Amaravathi.
2. District Collector, Eluru district, Eluru.
3. The District Panchayat Officer, Eluru district, Eluru.
4. The Valasapalli Grama Panchayat, Valasapalli village, Musunuru mandalam, Eluru district. Rep. by it's Panchayat Secretary.
5. Smt. Kotturu Sridevi, w/o Kotturu Immanuel, Christian, aged about 42 years, R/o Tatagari colony Bungalow dibba, Dharmajigudem village, Lingampalem mandalam, Eluru district.
6. Sri Kotturu Immanuel, S/o Danial, Christian, aged 48 years, R/o Tatagari colony Bungalow dibba, Dharmajigudem village, Lingampalem mandalam, Eluru district

Respondents

WHEREAS the Petitioner above named through his Advocate Sri J.V.PHANIDUTH presented this Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a WRIT OF MANDAMUS or any other appropriate writ or order or other direction to DECLARE the action of the respondent officials in not taking appropriate action against the religious illegal construction being raised by the respondents No. 5 and 6 in an extent of Ac. 0-22 cents of agricultural land situated in S. No. 393/8 of Valasapalli village, Musunuru mandalam, Eluru district, right in front of my house without obtaining permission/approval from the 2nd respondent-competent authority and conducting religious activities in the same even without completing the construction and without obtaining necessary permissions, inspite of the show-cause notices issued by the respondent No. 4, as illegal, arbitrary, unconstitutional and violation of the AP Panchayat Raj Act and AP Grama Panchayat (Land Development Layout and Building) Rules, 2002 as also contrary to Articles 14, 21 and 300-A of Constitution of India and consequently command the Respondent officials to remove the unauthorized construction in the Government Land stated supra in the interest of the justice.

AND WHEREAS the High Court upon perusing the petition and affidavit filed herein and upon hearing the arguments of Sri J.V.PHANIDUTH Advocate for the Petitioner and of GP FOR PANCHAYAT RAJ AND RURAL DEVELOPMENT for Respondent Nos.1 to 3, Sri N. Sri Hari, Standing Counsel for Gram Panchayat for

Respondent No.4, directed issue of notice to the Respondents herein to show cause as to why this WRIT PETITION should not be admitted.

You viz:

1. The Principal Secretary (PR and RD), State of Andhra Pradesh, Secretariat buildings, Velagapudi, Amaravathi.
2. District Collector, Eluru district, Eluru.
3. The District Panchayat Officer, Eluru district, Eluru.
4. The Panchayat Secretary Valasapalli Grama Panchayat, Valasapalli village, Musunuru mandalam, Eluru district.
5. Smt. Kotturu Sridevi, w/o Kotturu Immanuel, Christian, aged about 42 years, R/o Tatagari colony Bungalow dibba, Dharmajigudem village, Lingampalem mandalam, Eluru district.
6. Sri Kotturu Immanuel, S/o Danial, Christian, aged 48 years, R/o Tatagari colony Bungalow dibba, Dharmajigudem village, Lingampalem mandalam, Eluru district

are be and hereby directed to show cause either appearing in person or through an Advocate, as to why in the circumstances set out in the petition and the affidavit filed therewith (copy enclosed) this WRIT PETITION should not be admitted, on or before 28.07.2023 on which date the case stands posted for hearing.

The Court made the following:

ORDER:

"Notice before admission.

Learned Government Pleader for Panchayat Raj & Rural Development takes notice on behalf of respondent No.1 to 3.

Sri N.Sri Hari, learned standing counsel for Gram Panchayat, takes notice on behalf of respondent No.4.

For instructions, post on 28.07.2023 in the Motion List. "

**Sd/- G. HELA NAIDU
ASSISTANT REGISTRAR**

//TRUE COPY//

For

SECTION OFFICER

To,

1. The Principal Secretary (PR and RD), State of Andhra Pradesh, Secretariat buildings, Velagapudi, Amaravathi.
2. District Collector, Eluru district, Eluru.
3. The District Panchayat Officer, Eluru district, Eluru.

4. The Panchayat Secretary Valasapalli Grama Panchayat, Valasapalli village, Musunuru mandalam, Eluru district.
5. Smt. Kotturu Sridevi, w/o Kotturu Immanuel, Christian, aged about 42 years, R/o Tatagari colony Bungalow dibba, Dharmajigudem village, Lingampalem mandalam, Eluru district.
6. Sri Kotturu Immanuel, S/o Danial, Christian, aged 48 years, R/o Tatagari colony Bungalow dibba, Dharmajigudem village, Lingampalem mandalam, Eluru district (Addresses 1 to 6 by **RPAD** – along with a copy of petition and affidavit)
7. One CC to SRI. J.V.PHANIDUTH Advocate [OPUC]
8. One CC to Sri N. Sri Hari, Standing Counsel for Gram Panchayat [OPUC]
9. Two CCs to GP FOR PANCHAYAT RAJ AND RURAL DEVELOPMENT, High Court of Andhra Pradesh. [OUT]
10. One spare copy

npc

HIGH COURT

RCJ

DATED:21/07/2023

**FOR INSTRUCTIONS, POST ON 28.07.2023
IN THE MOTION LIST**

NOTICE BEFORE ADMISSION

WP.No.18207 of 2023

