



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3332]

THURSDAY, THE FOURTH DAY OF APRIL
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

WRIT PETITION NO: 1871/2023

Between:

H Narayana Reddy

...PETITIONER

AND

The State Of Andhra Pradesh and Others

...RESPONDENT(S)

Counsel for the Petitioner:

1.RAMESH BABU TATAPUDI

Counsel for the Respondent(S):

1.GP FOR PANCHAYAT RAJ RURAL DEV

2.GP FOR REVENUE

3.GP FOR ROADS BUILDINGS

4.VENKATA REDDY GAJJALA SC FOR ZPP, MPP, AND GRAM
PANCHAYAT

5.CHALLA GUNARANJAN

The Court made the following Order:

The short grievance of the petitioner is that the respondents are not taking any action in removing the waste material, pesticides, stones dumped by the 7th respondent by encroaching the road margin of petitioner's land in an extent of Ac.0.06 cents in Peddapappuru Mandal, Anantapuaram District.

02. Heard Sri Ramesh Babu Tatapudi, learned counsel for the petitioner, Sri G.Venkat Reddy, learned Standing Counsel appearing for respondent No.6 and Sri N.Sai Phaneendra Kumar, learned counsel representing Sri Challa Gunuranjan, learned counsel appearing for respondent No.7.

03. Learned counsel for the petitioner in elaboration to what has been stated in the affidavit contended that, the 7th respondent has occupied the road margin and dumped the waste material like a dump yard which is causing inconvenience to ingress and egress to the petitioner to reach the road. In those circumstances a representation was made on 18.07.2022 bringing the said facts to the notice of the Gram Panchayat but so far no action has been initiated. He further contended that earlier also a similar situation has been arose in the year 2020, wherein the petitioner submitted a

representation dated 19.11.2020 to the Mandal Parishad Officer and on such representation enquiry was conducted and wherein the 7th respondent has informed the official respondents that he would remove the encroachments. Recording the statement enquiry was closed. The 7th respondent removed the encroachments. Now once again in a similar way he occupied the road margin and dumped the waste material and pesticides. It would suffice for the time being if a direction is given to the respondent authorities to take steps against encroachment made by the 7th respondent in accordance with law. It is the duty cast upon the Panchayat Secretary to remove any encroachments from the road margin.

04. On the other hand, Sri N.Sai Phaneendra, learned counsel for the respondent on counter submitted that the petitioner and 7th respondent are having houses opposite to each other and in between there is a grama kantam land and wherein they have entered into an agreement to use the said land equally. After entering into the agreement, now the petitioner cannot come and say that the 7th respondent using the said land and dumped some waste material. The petitioner himself has no right over the said land. No indulgence can be shown on the petitioner and accordingly prayed to dismiss the writ petition.

05. On the other hand Sri G.Venkat Reddy, learned Standing Counsel while reiterating the contents of the counter affidavit submitted that the secretary issued notice to the 7th respondent wherein the 7th respondent's wife threatened the official respondents with dire consequences and stated that she would commit suicide if any action is taken. Against such threat the officials have given a complaint to the P.S but so far the same was not registered. But however the Secretary would take appropriate steps in accordance with the procedure established by law.

06. Perused the material available on record.

07. The grievance of the petitioner is that in front of his house there is a vacant land which is a road margin belonging to the Gram Panchayat and wherein the 7th respondent has dumped the waste material which is causing inconvenience to the petitioner for ingress and egress to reach the road. The record would indicate that earlier a similar encroachment was made by the 7th respondent and however the gram panchayat has initiated steps. Accordingly, the 7th respondent voluntarily removed the encroachments. Now once again the 7th respondent dumped the waste material in the very same place and for not taking any steps against such encroachment the present writ petition has been filed.

08. The counter of the Panchayat Secretary would indicate that he has already issued notice and he is contemplating to take steps in accordance with law. The contention of the 7th respondent is that there is an agreement between petitioner and 7th respondent wherein both agreed to use the said land. Whether the petitioner and 7th respondent have any right to enter into the agreement with the land belonged to the Gram Panchayat and so also the genuinity or otherwise of the agreement also this Court is not inclined to adjudicate under Article 226 of Constitution of India. However, the relief sought is innocuous for a direction to the Gram Panchayat to take action against the encroachment. In the counter it is categorically stated that they are taking steps in accordance with law. As such there is no purpose in keeping this writ petition pending. This Court is inclined to dispose of the writ petition by passing the following order:

The concerned Gram Panchayat shall consider and take steps on the encroachments so made by the 7th respondent if any in the road margin in accordance with law as expeditiously as possible within a period of three months from the date of receipt of copy of this order.

Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

As a sequel, Miscellaneous Applications, if any, pending shall stand closed.

JUSTICE RAVI CHEEMALAPATI

04.04.2024

KKV

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THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

WRIT PETITION NO: 1871/2023

Dated 04.04.2024

KKV

HIGH COURT OF ANDHRA PRADESH**Writ Petition No.1871 of 2023**PROCEEDING SHEET

Sl. No.	Date	ORDER	OFFICE NOTE
08 .	04.04.2024	<u>RC, J</u> This writ petition is disposed of. (vide separate order) <u>RC, J</u> KKV	

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W.P.No.6763 of 2024

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