



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

[3233]

**TUESDAY ,THE THIRTIETH DAY OF JULY
TWO THOUSAND AND TWENTY FOUR**

PRESENT

THE HONOURABLE SRI JUSTICE B KRISHNA MOHAN

WRIT PETITION NOs: 3957 and 3211/2023

WRIT PETITION NO: 3957/2023:-

Between:

Kalapala Venkateswararao

...PETITIONER

AND

The State Of Andhra Pradesh and Others

...RESPONDENT(S)

Counsel for the Petitioner:

1.P S P SURESH KUMAR

Counsel for the Respondent(S):

1.GP FOR PANCHAYAT RAJ RURAL DEV

2.N SRIHARI (Standing Counsel for ZPP MPP and GRAM PANCHAYAT)

WRIT PETITION NO: 3211/2023:-

Between:

Goura Venkateswara Rao

...PETITIONER

AND

The State Of Andhra Pradesh and Others

...RESPONDENT(S)

Counsel for the Petitioner:

1.M P V N V SASTRI

Counsel for the Respondent(S):

1.GP FOR ROADS BUILDINGS

2.GP FOR HOME

3.GP FOR REVENUE

4.GP FOR PANCHAYAT RAJ RURAL DEV

5.N SRIHARI (Standing Counsel for ZPP MPP and GRAM PANCHAYAT)

6.P S P SURESH KUMAR

The Court made the following Common Order:

Heard the learned counsel for the petitioner and the learned Assistant Government Pleader for Panchayat Raj for the respondents.

2. The W.P.No.3957 of 2023 is filed questioning the Resolution No.45 dated 21.01.2023 passed by the 5th respondent and the order of the 4th respondent dated 01.02.2023 thereby declining the permission for erection of the statue of Late Nandamuri Taraka Rama Rao (NTR) in the petitioner's site of 44.5 Sq.yards in R.S.No.743-1 of Yendapalli Revenue Village of Chintalapudi Mandal, Eluru District, though the petitioner applied for due permission on 17.10.2022.

3. The learned counsel for the petitioner submits that by virtue of the impugned Resolution dated 21.01.2023, the 5th respondent negated the request of the petitioner to erect the above said statue in the said place. During the pendency of this writ petition, the report of the District Collector is called for and as per the report also, the proposed erection of the statue is in a

private property and the pipeline is one meter away from the statue. But the learned counsel appearing for the 8th respondent opposes the same and in the report, the necessary details are not mentioned and exactly where the pipeline is going on was not considered by conducting the survey in the presence of the petitioner and the 8th respondent. Hence the report cannot be relied upon as the objections of the petitioner were not considered duly.

4. The W.P.No.3211 of 2023 is filed questioning the action of the respondents to stop the illegal construction of the shed for the purpose of erecting the statue.

5. The learned Standing Counsel appearing for the 5th respondent refers to the counter affidavit of the 5th respondent and further submits that in order to resolve this issue the petitioner can also make fresh application to the 5th respondent as the statue is not yet installed in the subject place and if so, the same will be considered by hearing the objections of the 8th respondent also.

6. In view of the above said facts and circumstances, the petitioner is permitted to submit fresh representation to the 5th respondent for the purpose of erection of the statue by mentioning the details of the location within a period of two (02) weeks from the date of receipt of this order. All the necessary documents shall be enclosed to the said representation in support of the claim of the petitioner. On receipt of the same, the 5th respondent-Grampanchayat is directed to conduct necessary enquiry into the matter by giving opportunity to the 8th respondent also to submit his objections if any.

The 8th respondent can also submit his objections by enclosing all the necessary documents in support of his claim during the above said period of two (02) weeks. On receipt of both the representation of the petitioner and the objections of the 8th respondent, the 5th respondent can proceed with the necessary enquiry by hearing all the parties concerned including the petitioner and the 8th respondent and upon verification of the records and the subject location, appropriate decision shall be taken by the 5th respondent strictly in accordance with law as expeditiously as possible preferably within a period of six (06) weeks thereafter. Without reference to the earlier impugned Resolution of the Grampanchayat and the District Collector's report, fresh enquiry shall be conducted on its own merits by the Grampanchayat.

7. Accordingly, these Writ Petitions are disposed of. There shall be no order as to costs.

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

JUSTICE B KRISHNA MOHAN

30.07.2024

PGT