



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

[3332]

**MONDAY, THE FIRST DAY OF DECEMBER
TWO THOUSAND AND TWENTY FIVE**

PRESENT

THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

WRIT PETITION NO: 9739/2023

Between:

Muppaneni Venkat Rao

...PETITIONER

AND

The State Of Andhra Pradesh and Others

...RESPONDENT(S)

Counsel for the Petitioner:

1. P SAI SURYA TEJA

Counsel for the Respondent(S):

1. GP FOR PANCHAYAT RAJ RURAL DEV

2. Mattegunta. Sudhir, Standing Counsel For Z.P.Ps, M.P.Ps, Gram Panchayats

The Court made the following order:

Questioning the action of respondent authorities in allowing the 6th respondent in making unauthorized constructions by encroaching the Panchayat road, despite making representation dated 15.04.2023, the present writ petition is filed.

2. Heard Miss B.Pooja Sree, learned counsel representing learned counsel for the petitioner, Sri M.Sudhir, learned Standing counsel for Gram Panchayat and Smt Naga Chandrika, learned Assistant Government Pleader for Panchayat Raj.

3. Learned counsel for the petitioner in elaboration to what has been stated in the affidavit contended that the 6th respondent has encroached the panchayat road and started construction in front of the petitioner's house high-handedly. In spite of making a representation dated 15.04.2023 to the 5th respondent, no action was taken by the respondents. He further submits that it would suffice for a time being if a direction is given to the authorities to take steps in accordance with law.

4. On the other hand, Sri M.Sudhir, learned Standing counsel submitted that, as per survey report given by the Mandal Surveyor, there are encroachments in Sy.No.107 & 109 of Sivarampuram village, Talluru Mandal, Prakasam District, however, the authorities would take steps to remove the encroachments in accordance with law.

5. Perused the record and considered the submissions of both the learned counsel.

6. As could be culled out from the facts and circumstances of the case, it is evident that the 6th respondent is making constructions illegally by encroaching the panchayat road which is in front of the petitioner's house and despite making a representation dated 15.04.2023, the respondents have not acted upon.

7. Section 53 of the Andhra Pradesh Panchayat Raj Act, 1994, deals with the vesting of public roads in the Gram Panchayat. Section 98 grants the executive authority the power to issue notices to remove encroachments or obstructions on public roads and by virtue of rules framed under

G.O.Ms.No.188 dated 21.07.2011, it is the statutory duty cast upon the authorities to safeguard the Panchayat property. Also, by virtue of G.O.Ms.No.67 dated 26.02.2022, no site or parcel of land shall be used for building activity unless it is approved as building plot or forms part of an approved layout.

8. In view of the above and as the Gram Panchayat authorities have admitted the encroachments and stated that they would take steps against the encroachments in accordance with law, without going into merits and demerits of this case, this Court is inclined to dispose of the writ petition with the following direction:

“The Gram Panchayat shall take steps against the encroachments, if any made by the 6th respondent in accordance with law by issuing proper notices to all the concerned parties inviting explanation by giving reasonable time and to pass a reasoned order after providing an opportunity of being heard and communicate the same to all the parties concerned. This entire exercise shall be completed as expeditiously as possible not later than three(03) months from the date of receipt of copy of this order.”

Accordingly, the writ petition is ***disposed of***. No costs.

Miscellaneous applications, pending if any, shall stand closed.

JUSTICE RAVI CHEEMALAPATI