

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
THURSDAY, THE TWENTIETH DAY OF APRIL,
TWO THOUSAND AND TWENTY THREE

:PRESENT:

THE HONOURABLE SRI JUSTICE R RAGHUNANDAN RAO
WRIT PETITION NO: 2315 OF 2023



Between:

1. Mallapureddy Ramakumari, Aged 39 years, R/o 20-75-11, Durganagar, Payakaraopeta, Anakapalli District.
2. Dandem Prahalad, S/o Adiraju, aged about 45 years, R/o Durganagar, Payakaraopeta, Anakapalli District.

Petitioners

AND

1. The State of Andhra Pradesh, Panchayat Raj Department, Secretariat Building, Secretary, Velagapudi, Amaravati, Guntur District, Rep. by its Principal Secretary.
2. The District Collector, (Panchayat Wing), Anakapalli District.
3. The District Panchayat Officer, Anakapalli, Anakapalli District.
4. The Payakaraopeta Gram Panchayat, Payakaraopeta, Anakapalli District, Rep. by its Secretary.
5. Akula Durga Prasad, S/o Venkateswarlu, aged about 35 years, R/o Durganagar, Payakaraopeta, Anakapalli District.
6. Matta Parvathi, W/o Matta Govinda Raju, Aged about 55 years, R/o Durganagar, Payakaraopeta, Anakapalli District.
7. Kommireddy Nageswara Rao, S/o Soma Raju, Aged about 50 years, R/o Durganagar, Payakaraopeta, Anakapalli District.
8. Pericharla Padmavati, W/o Late Surya Narayana Raju, Aged about 60 years, R/o Durganagar, Payakaraopeta, Anakapalli District.
9. Gaddam Lakshmi, W/o Late Krishna, Aged about 60 years, R/o Durganagar, Payakaraopeta, Anakapalli District.

Respondents

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, order or a direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents Nos. 2 to 4 in not removing the illegal projection / encroachments on the public road made by the respondent Nos.5 to 9 in Durga Nagar, Payakaraopeta Village and Mandal, Anakapalli District, is highly illegal, arbitrary, unconstitutional, violation of Articles 14 and 21 of the Constitution of India and contrary to Sec.98 of Andhra Pradesh Panchayat Raj Act, 1994 and Rules made thereunder in G.O.Ms.No.555 Panchayat Raj and Rural Development (Rules) 3.12.1999 and consequently direct the respondents Nos. 2 to 4 to remove the illegal projection / encroachments on the public road made by the respondent Nos.5 to 9 in Durga Nagar, Payakaraopeta Village and Mandal, Anakapalli District

IA NO: 1 OF 2023

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct

the respondents Nos. 2 to 4 to remove the illegal projection / encroachments on the public road made by the respondent Nos.5 to 9 in Durga Nagar, Payakaraopeta Village and Mandal, Anakapalli District in terms of section 98 of A.P. Panchayat Raj Act, 1994 and G.O.Ms.No.555, Panchayat Raj and Rural Development (Rules), dated 3.12.1999, Pending disposal of WP 2315 of 2023, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri V V N NARAYANA RAO Advocate for the Petitioners, GP FOR PANCHAYAT RAJ RURAL DEV for the Respondent Nos. 1 to 4 and the Court made the following

ORDER:

"The petitioners contend that the width of the road in question is 36 feet. The Gram Panchayat contends that the width of the road is 22 feet. Neither side has been able to produce any record to show, what is the width of the road.

In the circumstances, it would be appropriate to direct the Gram Panchayat to measure the width of the road at 100 yard intervals to verify the width of the road. This measurement shall be done in the presence of the petitioners or their representatives. For this purpose, the said exercise shall be conducted, on 26.04.2023 at 9 a.m.

This order shall be treated as notice to both sides.

Post on 04.05.2023."

**Sd/- P. VINOD KUMAR
ASSISTANT REGISTRAR**

//TRUE COPY//

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SECTION OFFICER

To,

1. The Principal Secretary, State of Andhra Pradesh, Panchayat Raj Department, Secretariat Building, Secretary, Velagapudi, Amaravati, Guntur District,
2. The District Collector, (Panchayat Wing), Anakapalli District.
3. The District Panchayat Officer, Anakapalli, Anakapalli District.
4. The Payakaraopeta Gram Panchayat, Payakaraopeta, Anakapalli District, Rep. by its Secretary.
5. Akula Durga Prasad, S/o Venkateswarlu, aged about 35 years, R/o Durganagar, Payakaraopeta, Anakapalli District.
6. Matta Parvathi, W/o Matta Govinda Raju, Aged about 55 years, R/o Durganagar, Payakaraopeta, Anakapalli District.
7. Kommireddy Nageswara Rao, S/o Soma Raju, Aged about 50 years, R/o Durganagar, Payakaraopeta, Anakapalli District.

8. Pericharla Padmavati, W/o Late Surya Narayana Raju, Aged about 60 years, R/o Durganagar, Payakaraopeta, Anakapalli District.
9. Gaddam Lakshmi, W/o Late Krishna, Aged about 60 years, R/o Durganagar, Payakaraopeta, Anakapalli District. (Addressee nos.1 to 9 by RPAD)
10. One CC to SRI. V V N NARAYANA RAO Advocate [OPUC]
11. Two CCs to GP FOR PANCHAYAT RAJ RURAL DEV ,High Court Of Andhra Pradesh. [OUT]
12. **One spare copy**

CVSS

HIGH COURT

RRRJ

DATED:20/04/2023

POST ON 04.05.2023.

ORDER

WP.No.2315 of 2023

DIRECTION

