

[3206]

**IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)**

FRIDAY, THE THIRD DAY OF FEBRUARY
TWO THOUSAND AND TWENTY THREE

**:PRESENT:
THE HONOURABLE SRI JUSTICE R RAGHUNANDAN RAO**



WRIT PETITION NO: 2656 OF 2023

Between:

Varada Venkata Rama Subrahmanyeswara Rao, Son of Venkata Ramalingeswara Rao, Hindu, aged 78 years, properties, R/o. D.No.8-194, P.S.R. Street, Challapalli, Krishna District.

...Writ Petitioner

AND

1. The State Of Andhra Pradesh, rep by Principal Secretary, Panchayatiraj and Rural Development Department, Secretariat Buildings, Velagapudi, Guntur District. .
2. District Collector, Krishna District, at Chilakalapudi, Machilipatnam.
3. The Tahasildar, Challapalli Mandal, Challapalli, Krishna District.
4. The Mandal Parishad Development Officer, Challapalli Mandal, Krishna District.
5. Gram Panchayat, represented by It's secretary, Challapalli, Krishna Dist.

...Respondents

Petition under Article 226 of the Constitution of India is filed praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ order or direction more particularly, one in the nature of writ of Mandamus, Declaring the action of the 3rd respondent in allotting an extent of Ac. 0.03 cents in RS No. 134-15-2, Potti Sriramulu Road, Challapalli Village, Krishna District which is the part of the property covered under Doc No. 1312/1975 dated 14.2.1975 of Challapalli Sub Registry for construction of Anganwadi Center by deviating the condition made in the said document basing on the resolution No. 216 dated 4.8.2020 of 4th respondent is illegal, arbitrary and violaitve of principles of natural justice and consequently direct the respondents to drop the proposal of constructing Anganwadi Center in the said extent of Ac. 0.03 cents in RS No. 134-15-2, Kallepalli Road, Challapalli Village, Krishna District which is the part of the property covered under Doc No. 1312/1975 dated 14.2.1975 of Challapalli Sub Registry in the interest of justice

IA NO: 1 OF 2023:

Petition under Section 151 of CPC is filed 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 2 to 5 not to make any constructions in an extent of Ac. 0.03 cents in RS No. 134-15-2, Potti Sriramulu Road, Challapalli Village, Krishna District which is the part of the property covered under Doc No. 1312/1975 dated 14.2.1975 of Challapalli Sub Registry for construction of Anganwadi Center in the

interest of justice, pending disposal of WP 2656 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 YALLABANDI RAMATIRTHA Advocate for the Petitioner and of GP FOR PANCHAYAT RAJ for the Respondent No.1 and of GP FOR REVENUE for the Respondent Nos.2 & 3 and of SRI SRIHARI.N, Standing Counsel for the Respondent Nos.4 & 5, the Court made the following

ORDER:

"The learned counsel for the petitioner is permitted to amend the cause title by striking out the "District Panchayat Officer" in the description of the 4th respondent.

Sri N. Sree Hari, the learned Standing Counsel for Gram Panchayat seeks time to obtain instructions.

Post on 08.02.2023 in 'Motion List'.

In view of the condition set out in the deed of gift, there shall be an interim direction as prayed for, for a period of three (03) weeks."

Sd/- U. SRI DEVI

ASSISTANT REGISTRAR

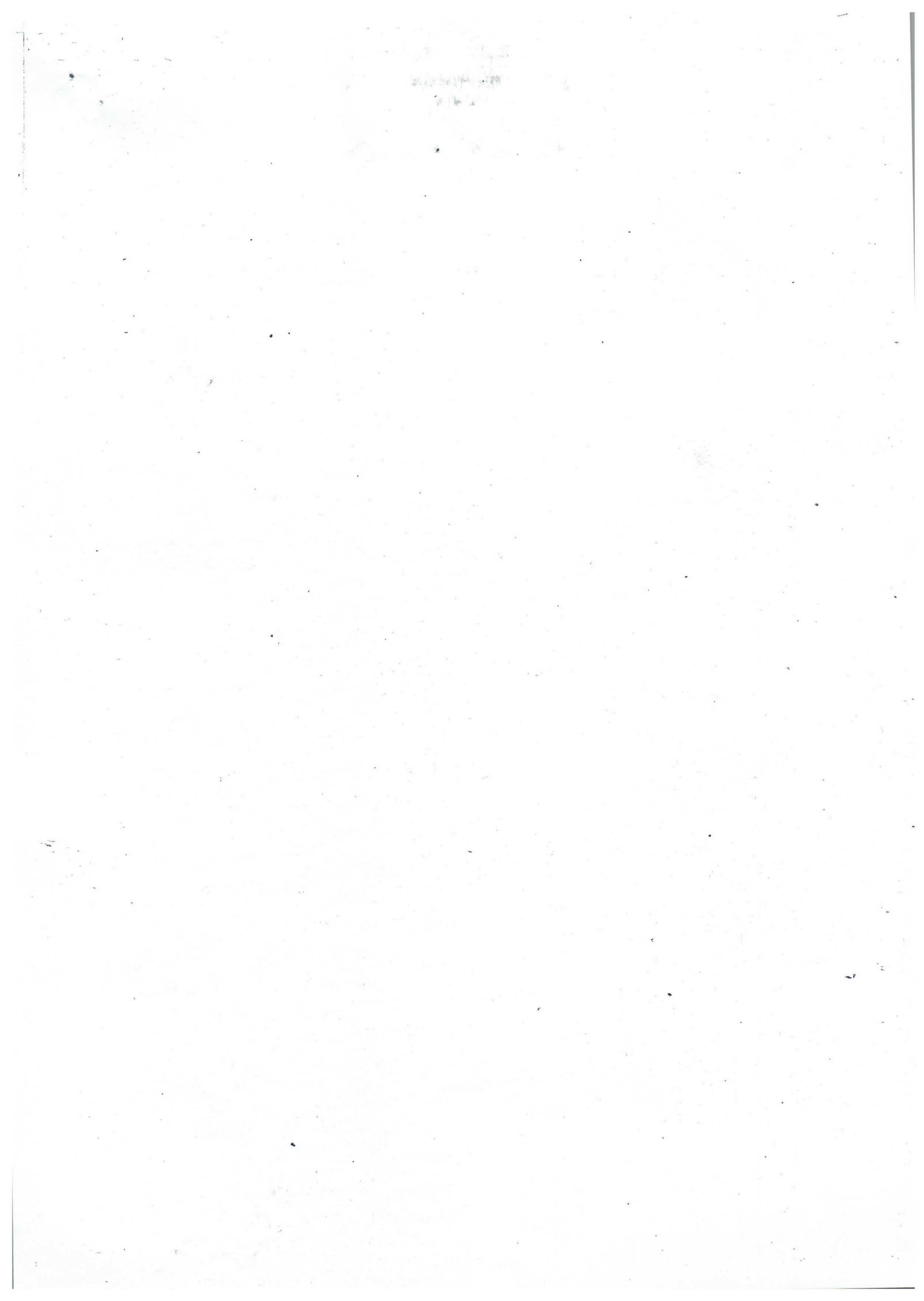
//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Panchayatiraj and Rural Development Department, State Of Andhra Pradesh, Secretariat Buildings, Velagapudi, Guntur District. .
2. District Collector, Krishna District, at Chilakalapudi, Machilipatnam.
3. The Tahasildar, Challapalli Mandal, Challapalli, Krishna District.
4. The Mandal Parishad Development Officer, Challapalli Mandal, Krishna District.
5. The Secretary, Gram Panchayat, represented, Challapalli, Krishna Dist. (by RPAD)
6. One CC to SRI. YALLABANDI RAMATIRTHA Advocate [OPUC]
7. Two CCs to GP FOR PANCHAYAT RAJ, High Court Of Andhra Pradesh. [OUT]
8. Two CCs to GP FOR REVENUE, High Court Of Andhra Pradesh. [OUT]
9. One CC to SRI SRIHARI.N, Standing Counsel. [OPUC]
10. One spare copy

ER



HIGH COURT

RRR, J

DATED:03/02/2023

POST ON 08.02.2023 IN 'MOTION LIST'

ORDER

WP.No.2656 of 2023

INTERIM DIRECTION

