

[3329]

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

THURSDAY, THE SIXTEENTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY FIVE

:PRESENT:

THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO: 10571 OF 2024

Between:

G.S.BabaJhon, S/o.G.S.MahaboobBasha Aged 38 years,
R/o.Marripadu Village, GurramkondaMandal Annamaiah District,
Andhra Pradesh

Petitioner

AND

1. The State of Andhra Pradesh, Rep.by its Principal Secretary Panchayat Raj Department A.P.Secretairat, Velagapudi Amaravati, Guntur District
2. The District Collector, Annamayya District, Rayachoti, Andhra Pradesh
3. The District Panchayat Officer, Annamayya District, Andhra Pradesh
4. The Divisional Panchayat Officer, Madanapalli, Annamayya District, AP
5. The Mandal Parishad Development Officer, Gurramkonda Mandal, Annamayya District Andhra Pradesh.
6. The Marripadu Grampanchayat, Marripadu Village, Gurramkonda Mandal Annamayya District, Andhra Pradesh Rep.by its Panchayat Secretary

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 direction more particularly one in the nature of a writ of mandamus declaring the action of the 6th respondent in rejecting my application for construction of poultry farm in an extent of Ac.2.50 cents in Sy.No.58/1A, situated at Marripadu Village, Gurramkonda Mandal,

Annamayya District, Andhra Pradesh for no reasons is illegal, arbitrary and unjust and consequently direct the respondents to grant permission for poultry farm forthwith.

IA NO: 1 OF 2024

Petition under Section 151 CPC is filed praying that in the circumstances stated in the grounds filed in support of the petition, the High Court may be pleased to direct the respondents grant permission to the petitioner to start poultry business in an extent of Ac.2.50 cents in Sy.No.58/1A, situated at Marripadu Village, GurramkondaMandal, Annamayya District, Andhra Pradesh, Pending disposal of WP 10571 of 2024, 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 GUTTAPALEM VIJAYA KUMAR, Advocate for the Petitioner, GP FOR PANCHAYAT RAJ & RURAL DEV for the Respondent Nos.1 to 4, Sri G. VENKATA REDDY, Standing Counsel for the Respondent Nos.5&6, the Court made the following

ORDER:

The grievance of the petitioner in filing this writ petition is that he submitted an application for construction of poultry farm in an extent of Ac.2.50 cents in Sy.No.581/1A, situated at Marripadu Village, Gurramkonda Mandal, Annamayya District. But the respondent-Gram Panchayat rejected the application of the petitioner on the ground that the subject place where the construction was proposed is not feasible for construction by way of resolution dated 28.08.2023. It is further observed that in the resolution that the proposed construction area is 191 meters away from the village habitation. Unless it is more than 500 meters, no permission can be granted in favour of poultry farm which causes pollution and environmental problems to the villagers.

2. It is further stated that as per the rules framed by the Andhra Pradesh Pollution Control Board, that for construction of poultry farms,

it should be 500 meters away from the village habitation. But in the instance case the proposed construction is within 191 meters and below 500 meters which is contrary to the rules as stated above. Accordingly, the application was rejected by way of resolution.

3. Learned counsel for the petitioner submits that the proposed construction of poultry farm site is more than 500 meters away from the village habitation and hence the petitioner is entitled for plan and permission. Therefore, the impugned Gram Panchayat resolution dated 28.08.2023 is liable to be set aside.

4. In view of dispute of fact is an issue between the petitioner and respondent-gram panchayat, the counsel for the petitioner requested for appointment of an Advocate Commissioner for confirming the actual distance between the village habitation and proposed construction site of poultry farm for further adjudication/conclusion in the interest of justice.

5. Accordingly, Sri Rokkam Sai Prakash Reddy (26307), Flat No.211, Luxury Royale Apartments, Tadepalli, Guntur District (Mobile No: 7036240691) is hereby appointed as an Advocate Commissioner and he is directed to undertake to execute the warrant of this Court. The subject of warrant is that for measurement of the distance between the village habitation (last house of the habitation to that side of the village) and the proposed construction of poultry farm was planned in Sy.No.581/1A, situated at Marripadu Village, Gurramkonda Mandal, Annamayya District after issuing notices to the petitioner concerned as well as Respondent Gram Panchayat. The Mandal Surveyor, Gurramkonda Mandal is directed to assist and provide all the infrastructure as required for exaction of warrant i.e., measurement of the distance as per the terms of the warrant along with the Advocate Commissioner. The said measurement should be conducted at the presence of petitioner as well as respondent – Gram Panchayat within four (04) weeks from the date of issuance of warrant. After completion of

the same, the learned Advocate Commissioner is directed to submit his report within one week thereafter. Rs.30,000/- is fixed towards commissioning fee to the Advocate Commissioner and the same to be paid by the petitioner on or before execution of warrant and further the petitioner shall provide all other expenses to be incurred for execution and transport by way of four wheeler car and accommodation if necessary to the Advocate Commissioner during executing the warrant.

6. Learned Advocate Commissioner shall execute this warrant within four (04) weeks from the date of receipt of a copy of this order, after giving prior notice to the petitioner and respondents.

7. The Registry is directed to serve the copy of this order to the learned Advocate Commissioner by 17.10.2025.

8. List the matter on 26.11.2025.

//TRUE COPY//

For /

SD/-U.SRI DEVI
DEPUTY REGISTRAR
SECTION OFFICER

To,

1. The Principal Secretary Panchayat Raj Department A.P.Secretariat, Velagapudi Amaravati, Guntur District, State of Andhra Pradesh (BY SPECIAL MESSENGER)
2. The District Collector, Annamayya District, Rayachoti, Andhra Pradesh
3. The District Panchayat Officer, Annamayya District, Andhra Pradesh
4. The Divisional Panchayat Officer, Madanapalli, Annamayya District, AP
5. The Mandal Parishad Development Officer, Gurramkonda Mandal, Annamayya District Andhra Pradesh.
6. The Marripadu Grampanchayat, Marripadu Village, Gurramkonda Mandal Annamayya District, Andhra Pradesh Rep.by its Panchayat Secretary (Addressee Nos.2 to 6 by SPEED POST)

7. Sri Rokkam Sai Prakash Reddy (26307), Flat No.211, Luxury Royale Apartments, Tadepalli, Guntur District (Mobile No: 7036240691) 9441077610 **[by SPECIAL MESSENGER]**
8. One CC to SRI. GUTTAPALEM VIJAYA KUMAR Advocate [OPUC]
9. Two CCs to GP FOR PANCHAYAT RAJ RURAL DEV ,High Court Of Andhra Pradesh. [OUT]
10. One CC to SRI G. VENKATA REDDY, STANDING COUNSEL [OPUC]
11. One spare copy
Kj

HIGH COURT

NV,J

DATED:16/10/2025

LIST THE MATTER ON 26.11.2025

ORDER

WP.No.10571 of 2024

DIRECTION

