

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



THURSDAY, THE FOURTH DAY OF AUGUST
TWO THOUSAND AND TWENTY TWO

:PRESENT:

THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO. 24076 OF 2022

Between:

Lukka Gudar Venkaiah, S/o. Krishna Murthy, Hindu aged 43 years, r/o.D.No.4-86/1, Nagaram village a mandal, Guntur (Bapatla) District.

...Petitioner

AND

1. The State of Andhra Pradesh, Rep.by Principle Secretary, Panchayath Raj Department, Secretariat Buildings, Velagapudi, Amaravathi, Guntur District.
2. The District Collector, Guntur (Bapatla) District.
3. The District Panchayath Raj Officer, Guntur (Bapatla) District.
4. The Divisional Panchayath Raj Officer, Guntur (Bapatla) District.
5. The Mandal Parishad Development Officer, Nagaram Mandal, Guntur (Bapatla) District
6. Nagaram Gram Panchayath, Rep.by its Panchayath Secretary, Nagaram village & mandal, Guntur (Bapatla) District.
7. The Executive Engineer, Panchayat Raj Department, Nagaram Mandal, Guntur (Bapatla) District.
8. The Superintendent Engineer, Roads & Building, Bapatla, Guntur District.
9. The Deputy Engineer, Roads and Building, Repalle, Guntur 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 direction, more particularly one in the nature of Writ of Mandamus directing the respondents not to make any construction including Village Secretariat on a public road or road margin on Repalle-Bapatla R&B Road in S.No.278/5 of Nagaram village and mandal, Guntur (Bapatla) District, declaring their action of proposal of construction of village secretariat in the said land as illegal and ultra vires to the provisions of Articles 14 and 21 of the Constitution of India and also direct the respondents to demolish the construction if already made, while directing not to proceed further;

IA NO: 1 OF 2022

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to direct the respondents to stop all further proceedings of construction of Village Secretariat or any other construction in the road margin on Repalle-Bapatla R & B Road in S.No.278/5 of Nagaram village and mandal, Guntur (Bapatla) District, during the pendency of the writ petition before this Hon'ble Court, pending disposal of WP 24076 of 2022, 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 Habibulla Shaik, Advocate for the Petitioner, GP for Panchayat Raj for the Respondent Nos.1 to 4 & 7, Sri I Koti Reddy, Standing Counsel for Respondent Nos.5 & 6 and GP for Roads & Buildings for Respondent Nos.8 & 9, the Court made the following;

ORDER:

"Heard learned counsel for the petitioner, learned Assistant Government Pleader for Panchayat Raj and learned standing counsel for the Grampanchayat.

There shall be a direction to the respondents to stop construction of Village Secretariat in the road margin on Repalle Bapatla R & B road in Sy.No.278/5 of Nagaram Village and Mandal, Guntur (Bapatla) District, until further orders.

List the matter on 29.08.2022 for filing counters."

Sd/- M. SRINIVAS
ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To,

1. The Principle Secretary, Panchayath Raj Department, State of Andhra Pradesh, Secretariat Buildings, Velagapudi, Amaravathi, Guntur District.
2. The District Collector, Guntur (Bapatla) District.
3. The District Panchayath Raj Officer, Guntur (Bapatla) District.
4. The Divisional Panchayath Raj Officer, Guntur (Bapatla) District.
5. The Mandal Parishad Development Officer, Nagaram Mandal, Guntur (Bapatla) District
6. The Panchayath Secretary, Nagaram Gram Panchayath, Nagaram village & mandal, Guntur (Bapatla) District.
7. The Executive Engineer, Panchayat Raj Department, Nagaram Mandal, Guntur (Bapatla) District.
8. The Superintendent Engineer, Roads & Building, Bapatla, Guntur District.
9. The Deputy Engineer, Roads and Building, Repalle, Guntur District. (1 to 9 by RPAD)
10. One CC to Sri. Habibulla Shaik, Advocate [OPUC]
11. One CC to Sri I Koti Reddy, Standing Counsel [OPUC]
12. Two CCs to GP for Panchayat Raj, High Court of Andhra Pradesh. [OUT]
13. Two CCs to GP for Roads & Buildings, High Court of Andhra Pradesh. [OUT]
14. One spare copy.

MSB

HIGH COURT

NV,J

DATED:04/08/2022

ORDER

LIST THE MATTER ON 29.08.2022 FOR FILING COUNTERS

WP.No.24076 of 2022

INTERIM DIRECTION

DR. PR. JAGS



DR. PR. JAGS