

[3209]

(SHOW CAUSE NOTICE BEFORE ADMISSION)

IN THE HIGH COURT OF ANDHRA PRADESH: AT AMARAVATI

(Special Original Jurisdiction)

FRIDAY, THE TWENTY NINTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY THREE

:PRESENT:

THE HONOURABLE SRI JUSTICE NINALA JAYASURYA

WRIT PETITION NO: 33448 OF 2023

Between:

Pesala Ramu, S/o.late Venkata Krishnaiah, aged about 52 years, R/o.Ramnagar Gate Center, Podalakur, S.P.S.R.Nellore District.

Petitioner

AND

1. The State of Andhra Pradesh, Through the Principal Secretary Department of Panchayat Raj and Rural Development, Secretariat, Velagapudi, Amaravathi, Guntur District.
2. The District Collector, S.P.S.R.Nellore District.
3. The District Panchayat Officer, Government of Andhra Pradesh, S.P.S.R.Nellore District, Nellore.
4. The Podalakur Grama Panchayat, Rep.by its Panchayat Secretary, Podalakur Village and Mandal, S.P.S.R.Nellore District.
5. V.Srinivasulu Reddy, S/o.Venku Reddy, aged about 49 years, R/o. Podalakur Village and Mandal, S.P.S.R.Nellore District.

Respondents

WHEREAS the Petitioner above named through his Advocate SRI.SAI GANGADHAR CHAMARTY presented this 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 an appropriate Writ, Order or direction more particularly one in the nature of Writ of MANDAMUS declaring the inaction of the official respondents in stopping the illegal and unauthorized construction by the 5th respondent in an extent of Ac.0.07 cents in Sy.No.502-2A of Podalakur Village and Mandal, S.P.S.R.Nellore District on the petitioner's representation dated 17-11-2023 as arbitrary, illegal and violative of provisions of A.P.Panchayat Raj Act and consequently direct the respondents 3 and 4 to take action on the petitioner's representation forthwith.

AND WHEREAS the High Court upon perusing the petition and affidavit filed herein and upon hearing the arguments of SRI.SAI GANGADHAR CHAMARTY Advocate for the Petitioner, GP for Panchayat Raj & Rural Development, for Respondent Nos.1 to 3 and Sri.G.Venkata Reddy, Standing Counsel for Respondent No.4, directed issue of notice to the Respondent No.5 herein to show cause as to why this WRIT PETITION should not be admitted.

You viz:

V.Srinivasulu Reddy, S/o.Venku Reddy, R/o. Podalakur-Village and Mandal,
S.P.S.R.Nellore District.

are be and hereby directed to show cause either appearing in person or through an Advocate, as to why in the circumstances set out in the petition and the affidavit filed therewith (copy enclosed) this WRIT PETITION should not be admitted on or before 22.01.2024 on which date the case stands posted for hearing.

IA NO: 1 OF 2023

Petition under Section 151 CPC is filed 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 3 and 4 to stop the illegal and unauthorized construction by the 5th respondent in an extent of Ac.0.07 cents in Sy.No.502-2A of Podalakur Village and Mandal, S.P.S.R.Nellore District, pending disposal of the Writ Petition No. 33448 of 2023, on the file of the High Court.

THE COURT MADE THE FOLLOWING ORDER:

Heard learned counsel for the petitioner.

Learned Standing Counsel for the 4th respondent/Gram Panchayat seeks time to secure written instructions in the matter.

List the matter on 22.1.2024.

Issue notice to respondent No.5.

Learned counsel for the petitioner is permitted to take out personal notice on respondent No.5 by registered post with acknowledgement due and file proof of service in the Registry, by the date of next adjournment.

In the event, the unofficial respondent No.5 is making any construction without obtaining permission from the Gram Panchayat, the same shall not be allowed.

//TRUE COPY//

**Sd/- N. NAGAMMA
ASSISTANT REGISTRAR**


SECTION OFFICER

To,

1. The Principal Secretary Department of Panchayat Raj and Rural Development, State of Andhra Pradesh, Secretariat, Velagapudi, Amaravathi, Guntur District.
2. The District Collector, S.P.S.R.Nellore District.
3. The District Panchayat Officer, Government of Andhra Pradesh, S.P.S.R.Nellore District, Nellore.
4. The Panchayat Secretary, Podalakur Grama Panchayat, Podalakur Village and Mandal, S.P.S.R.Nellore District.
5. V.Srinivasulu Reddy, S/o.Venku Reddy, R/o. Podalakur Village and Mandal, S.P.S.R.Nellore District. (1 to 5 by RPAD- along with a copy of petition and affidavit)
6. One CC to SRI.SAI GANGADHAR CHAMARTY Advocate [OPUC]
7. Two CCs to GP for Panchayat Raj & Rural Development, Panchayat Raj & Rural Development, High Court of Andhra Pradesh. [OUT]
8. One CC to Sri.G.Venkata Reddy, Standing Counsel (OPUC)
9. One spare copy

SRL



HIGH COURT

NJSJ

DATED:29/12/2023

NOTE: LIST THE MATTER ON 22.01.2024

NOTICE BEFORE ADMISSION

WP.No.33448 of 2023

DIRECTION

