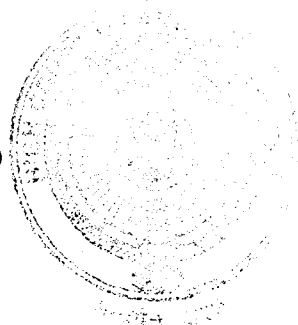


IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

FRIDAY, THE TWENTY EIGHTH DAY OF JANUARY
TWO THOUSAND AND TWENTY TWO

:PRESENT:
THE HONOURABLE SRI JUSTICE BATTU DEVANAND



IA No. 1 OF 2022
IN
WP NO: 1978 OF 2022

Between:

1. K Munaswamy, S/o. (late) Maraiah, Aged 86 years, R/ o. Appaiahpalem Village, Mallavaripalem East Panchayat, Irugulam Post, Sathyavedu Mandal, Chittoor District.
2. V. Ashok, S/o. Munaswamy, Aged 51 years, R/o. Appaiahpalem Village, Mallavaripalem, East Panchayat, Irugulam Post, Sathyavedu Mandal, Chittoor District.
3. P. Subrahmanyam, S/o. Chinna Chengaiah, Aged 78 years, R/o. Appaiahpalem Village, Mallavaripalem, East Panchayat, Irugulam Post, Sathyavedu Mandal, Chittoor District.

...Petitioners

AND

1. The State of AP, Rep. by its Principal Secretary, Panchayat Raj Department, Secretariat Buildings, Velagapudi, Amaravathi, Guntur District.
2. The District Collector (Panchayat Wing), Chittoor, Chittoor District.
3. The District Panchayat Officer, Chittoor, Chittoor District.
4. Mandal Parishad Development Officer, Sathyavedu Mandal, Chittoor District.
5. Mallavaripalem East Grama Panchayat, Rep. by its Panchayat Secretary, Mallavaripalem Village, Sathyavedu Mandal, Chittoor District.
6. The Station House Officer, Sri City Hitech Police Station, Sathyavedu Mandal, Chittoor District.
7. The Sarpanch, Mallavaripalem East Grama Panchayat, Sathyavedu Mandal, Chittoor District.
8. Sanyasaiah, (Husband of Sarpanch), S/o. Venkata Swamy, Aged Major, R/o. Appaiahpalem Village, Mallavaripalem East Panchayat, Irugulam Post, Sathyavedu Mandal, Chittoor District.
9. Venkateswarlu Naidu, S/o. Sri Karapaiah, Aged Major, R/o. Appaiahpalem Village, Mallavaripalem East Panchayat, Irugulam Post, Sathyavedu Mandal, Chittoor District.
10. Smt. Manjula, W/o. Venkateswarlu Naidu, Aged Major, R/o. Appaiahpalem Village, Mallavaripalem East Panchayat, Irugulam Post, Sathyavedu Mandal, Chittoor District.

...Respondents

Counsel for the Petitioner :SRI V R REDDY KOVVURI

Counsel for the Respondent Nos.1 to 3:GP FOR PANCHAYAT RAJ

Counsel for the Respondent Nos.4 & 5: Sri V Vinod K Reddy, Standing Counsel

Counsel for the Respondent No.6: GP FOR HOME

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 direct the Respondent Nos. 2 to 5 to take appropriate action on the representations dated 11.01.2022 and 13.01.2022 made by the petitioners and also against the illegal/unauthorized construction made by Respondent Nos. 9 and 10 in Sy.No.3/1 to an extent of Ac. 0.03 cents situated in Appaiahpalem Village, Mallavaripalem East Gram Panchayat, Sathyavedu Mandal, Chittoor District in accordance with the provisions of A.P. Panchayat Raj Act, 1994, pending disposal of WP No.1978 of 2022, on the file of the High Court.

The court while directing issue of notice to the Respondents herein to show cause as to why this application should not be complied with, made the following order.(The receipt of this order will be deemed to be the receipt of notice in the case).
The Court made the following:

ORDER:

"Learned counsel for the petitioners submits that the Respondent Nos.9 and 10 at the instance of the Respondent Nos.7 and 8 making illegal/unauthorized construction in Survey No.3/1 to an extent of Ac.0-03 cents situated in Appaiahpalem Village, Mallavaripalem East Gram Panchayat, Sathyavedu Mandal, Chittoor District, by digging pits on the public road for unauthorized construction of private septic latrine tank.

The petitioners made representations on 11.01.2022 and 13.01.2022 to the 5th Respondent to take action against the Respondent Nos.9 and 10 for their illegal action. The 5th Respondent failed to take any action.

Learned Standing Counsel appearing for the 5th Respondent, on instructions, submits that pursuant to the representation of the petitioners, the Gram Panchayat issued notice on 24.01.2022 to the Respondent Nos.9 and 10 calling upon their explanation as to why action should not be taken against them for the alleged unauthorized construction and damaging the road by digging pits. After receipt of the explanation from the Respondent Nos.9 and 10, appropriate action will be taken by the Gram Panchayat, in accordance with the provisions of A.P. Panchayat Raj Act.

Sri V.R. Reddy Kovvuri, learned counsel for the petitioners submits that the petitioners are not aware of the notice issued by the Gram Panchayat to the unofficial Respondent Nos.9 and 10, but the Respondent Nos.9 and 10 are proceeding with their unauthorized and illegal activity after 24.01.2022 also.

Having regard to the facts and circumstances of the case, in the prima facie opinion of this Court, it is appropriate to pass interim orders to protect the public road.

Accordingly, the Respondent No.5 is directed to stop illegal activities of the Respondent Nos.9 and 10 to damage the public road by digging pits by the Respondent Nos.9 and 10, forthwith."

//TRUE COPY//

SD/- K.TATA RAO
DEPUTY REGISTRAR

SECTION OFFICER

To,

1. The Principal Secretary, Panchayat Raj Department, State of AP, Secretariat Buildings, Velagapudi, Amaravathi, Guntur District.
2. The District Collector (Panchayat Wing), Chittoor, Chittoor District.
3. The District Panchayat Officer, Chittoor, Chittoor District.
4. Mandal Parishad Development Officer, Sathyavedu Mandal, Chittoor District.
5. The Panchayat Secretary, Mallavaripalem East Grama Panchayat, Mallavaripalem Village, Sathyavedu Mandal, Chittoor District.
6. The Station House Officer, Sri City Hitech Police Station, Sathyavedu Mandal, Chittoor District.
7. The Sarpanch, Mallavaripalem East Grama Panchayat, Sathyavedu Mandal, Chittoor District.
8. Sanyasaiah, (Husband of Sarpanch), S/o. Venkata Swamy, R/o. Appaiahpalem Village, Mallavaripalem East Panchayat, Irugulam Post, Sathyavedu Mandal, Chittoor District.

9. Venkateswarlu Naidu, S/o. Sri Karapaiah, R/o. Appaiahpalem Village, Mallavaripalem East Panchayat, Irugulam Post, Sathyavedu Mandal, Chittoor District.
10. Smt. Manjula, W/o. Venkateswarlu Naidu, R/o. Appaiahpalem Village, Mallavaripalem East Panchayat, Irugulam Post, Sathyavedu Mandal, Chittoor District. **(1 to 10 by RPAD)**
11. One CC to Sri. V R Reddy Kovvuri, Advocate [OPUC]
12. One CC to Sri V Vinod K Reddy, Standing Counsel [OPUC]
13. Two CCs to GP for Panchayat Raj, High Court of Andhra Pradesh. [OUT]
14. Two CCs to GP for Home, High Court of Andhra Pradesh. [OUT]
15. One spare copy.

MSB

HIGH COURT

DEV,J

DATED:28/01/2022

ORDER

**IA NO.1 OF 2022
IN
WP.No.1978 of 2022**

INTERIM DIRECTION

