

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

WEDNESDAY, THE THIRTY FIRST DAY OF JANUARY
TWO THOUSAND AND TWENTY FOUR

:PRESENT:

THE HONOURABLE SRI JUSTICE NINALA JAYASURYA
WRIT PETITION NO: 2150 OF 2024



Between:

1. Chellu Siva Babu, S/o.Venkateswararao, Aged about 53 years, Occ Cultivation, R/o.Main Road, Cheepurugudem Village, Nallajerla Mandal, East Godavari District.
2. Moduga Subbarao, S/o. Venkatesu, Aged about 51 years, Occ Cultivation, R/o. 2-175, Ramalayam, Cheepurugudem Village, Nallajerla Mandal, East Godavari District.
3. Chellu Rambabu, S/o. Suryarao, Aged about 37 years, Occ Cultivation, R/o. 2-12, Ramalayam, Cheepurugudem Village, Nallajerla Mandal, East Godavari District.
4. Chellu Gangadhar, S/o. Gangaraju, Aged about 60 years, Occ Cultivation, R/o. 2-25, Ramalayam, Cheepurugudem Village, Nallajerla Mandal, East Godavari District.
5. Chellu Murali, S/o. Satyam, Aged about 35 years, Occ Cultivation, R/o. 2-24, Ramalayam, Cheepurugudem Village, Nallajerla Mandal, East Godavari District.

Petitioners

AND

1. The State of Andhra Pradesh, Rep. by its Principal Secretary to Government, Panchayat Raj and Rural Development Department, Secretariat, Velagapudi, Amaravati, Guntur District.
2. The District Collector, at Rajamahendravaram, East Godavari District.
3. The Divisional Panchayat Raj Officer, At Rajamahendravaram, East Godavari District.
4. The Superintendent Engineer, Roads and Buildings, Eluru, Eluru District.
5. The Divisional Engineer, Roads and Buildings, Kovvur, East Godavari District.
6. The Executive Engineer, Roads and Buildings, Nidadhavolu Mandal, East Godavari District.
7. The Cheepurugudem Grama Panchayat, Rep. by its Executive Authority Cum- Panchayat Secretary, Cheepurugudem Village, Nallajerla Mandal, East Godavari 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 declaring the inaction on the part of respondents 2 to 7 on petitioners Spandana Application dated 22.01.2024 submitted for construction of new cement pipes culvert to discharging water under the R and B cement concrete road near Punthala Musalamma Temple, so as to prevent entry of water to the houses of petitioners/villagers of Cheepurugudem Village in Nallajerla Mandal of East Godavari District, as illegal, irregular, irrational and amounts to non discharge of legal obligation under the provisions of Andhra Pradesh Panchayat Raj Act, 1994 and

offends Articles 14 and 21 of the Constitution of India and consequently direct the respondents to construct the new cement pipes culvert to discharging water under the R and B cement concrete road near Punthala Musalamma Temple.

IA NO: 1 OF 2024

Petition under Section 151 CPC 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 not to lay further cement road, unless construct the New culvert near Punthala Musalamma Temple of Cheepurugudem Village in Nallajerla Mandal of East Godavari District, Pending disposal of WP 2150 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 PATHURI SRINIVAS Advocate for the Petitioner and of GP FOR PANCHAYAT RAJ RURAL DEV for the Respondent Nos. 1 to 3, GP FOR ROADS AND BUILDINGS for Respondent Nos. 4 to 6, Sri N SRIHARI, Standing Counsel for Respondent No.7 and the Court made the following.

ORDER

“Heard Mr.Srinivas Paturi, learned counsel for the petitioners. Also heard learned Assistant Government Pleader representing the Panchayat Raj Department, learned Assistant Government Pleader representing the Roads & Buildings Department, learned Assistant Government Pleader representing the respondent No.2/District Collector, East Godavari District at Rajamahendravaram.

Learned counsel appearing on behalf of the respondent No.7/Cheepurugudem Gram Panchayat placed a copy of the written instructions dated 30.1.2024 received from the Panchayat Secretary, Cheepurugudem Gram Panchayat for perusal of this Court, wherein it is inter alia stated that the construction of culvert was undertaken by the Roads & Buildings Department.

Be that as it may. As seen from the instructions dated 30.1.2024 received from the Executive Engineer (I/c), R&B, Kovvur/ respondent No.6, which are placed for perusal of this Court by the learned Assistant Government Pleader for Roads & Buildings Department, it would appear that there is a dispute between the Villagers with regard to construction of culvert. While one set of the Villagers state that there is a culvert in existence for the last hundred (100) years and unless a new culvert is constructed at Punthala Musalamma Temple, their houses would be affected whereas the other set of

Villagers are opposing construction on the ground that if the culvert is constructed, their houses would be affected. ✓

Be that as it may. As the petitioners have made a complaint/representation through Spandana Programme, this Court is of the considered view that the matter requires intervention by the respondent No.2/District Collector for resolving the issue. Therefore, there shall be a direction to the respondent No.2 to take immediate action on the petitioners' complaint/representation dated 22.1.2024 within a period of two (2) weeks from the date of receipt of a copy of this order. Till such time, construction of cement road shall not be proceeded with. ✓

List the matter on 19.2.2024." ✓

Sd/- M. PRABAKAR RAO
ASSISTANT REGISTRAR

//TRUE COPY//

For

SECTION OFFICER

To,

1. The Principal Secretary to Government, The State of Andhra Pradesh Panchayat Raj and Rural Development Department, Secretariat, Velagapudi, Amaravati, Guntur District.
2. The District Collector, at Rajamahendravaram, East Godavari District.
3. The Divisional Panchayatraj Officer, At Rajamahendravaram, East Godavari District.
4. The Superintendent Engineer, Roads and Buildings, Eluru, Eluru District.
5. The Divisional Engineer, Roads and Buildings, Kovvur, East Godavari District.
6. The Executive Engineer, Roads and Buildings, Nidadhavolu Mandal, East Godavari District.
7. The Executive Authority Cum- Panchayat Secretary, Cheepurugudem Grama Panchayat, Cheepurugudem Village, Nallajerla Mandal, East Godavari District. (Addressess 1 to 7 by RPAD)
8. One CC to SRI. PATHURI SRINIVAS Advocate [OPUC]
9. Two CCs to GP FOR PANCHAYAT RAJ RURAL DEV, High Court Of Andhra Pradesh. [OUT]
10. Two CCs to GP FOR ROADS AND BUILDINGS, High Court Of Andhra Pradesh. [OUT]
11. One CC to SRI. N SRIHARI, Standing Counsel [OPUC]
12. One spare copy.

psk

HIGH COURT

NJS,J

DATED:31/01/2024

LIST ON 19.02.2024

ORDER

WP.No.2150 of 2024

DIRECTION

