

IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI
(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIFTH DAY OF JANUARY
TWO THOUSAND AND TWENTY FOUR

PRESENT
THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI



WRIT PETITION NO: 2591 OF 2019

Between:

Mane Veera Venkata Sathyanarayana, S/o.Late Veera Bhandra Rao, Aged about 45 years, Occ: Cultivation, R/o. Vemuluru (V), Kovvuru (M), West Godavari District, A.P.

...Petitioner

AND

1. The State of Andhra Pradesh, rep. by its Principal Secretary, Panchayath Raj and Rural Development, Secretariat, Velagapudi, Amaravathi, A.P.
2. The Revenue Divisional Officer, Panchayath Raj, Kovvuru, West Godavari District.
3. The District Panchayath Raj Officer, West Godavari District, Eluru.
4. The Tahsildar, Kovvuru Mandal, West Godavari District.
5. The Vemuluru Gram Panchayath, Rep., by Secretary, Vemuluru, Kovvuru Mandal, West Godavari District.
6. Kotikalapudi Veera Bhandra Rao, S/o. Subba Rayudu, Vemaluru, Kovvuru (M), West Godavari District.
7. The Station House Officer, Kovvuru Town Police Station, Kovvuru, West 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 an appropriate Writ of Mandamus or any other Writ Order or Orders, declaring the action of the respondent No. 2 to 5 and 7 in not preventing the 6th respondent from proceeding with the illegal constructions raised on Gram Panchayath Road (Puntha Purambok) in R.S. No. 170/C4 by blocking my right of ingress and egress to my agricultural land to an extent of Ac.0.47 cents in R.S. no. 173 of Vemuluru Village, Kovvuru Mandal, West Godavari District, A.P. as illegal, arbitrary and in violation of Art.14 of Constitution of India, contrary to the section 53 of A.P. Panchayath Raj Act and consequently direct the respondent No. 2 to 5 and 7 to demolish the said structures raised by the 6th respondent.

IA NO: 1 OF 2019

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 respondent No. 2 to 5 and 7 herein to prevent the 6th respondent from raising further illegal construction and to remove the obstructions in Vemulur Gram Panchayath Road (Puntha Purambok) vested in Gram Panchayath in R.S. No.

170/C4, freeing my ingress and egress into my agricultural land to an extent of Ac. 0.47 cents in R.S. No. 173 of Vemuluru village, Kovvuru Mandal, West Godavari District, A.P. Pending disposal of above writ petition.

IA NO: 1 OF 2020

Between:

1. The State of Andhra Pradesh, rep. by its Principal Secretary, Panchayath Raj and Rural Development, Secretariat, Velagapudi, Amaravathi, A.P.
2. The District Panchayath Raj Officer, Eluru, West Godavari District.

...Petitioners/Respondents 1 to 3

AND

3. Mane Veera Venkata Sathyanarayana, S/o.Late Veera Bhandra Rao, Aged about 45 years, Occ: Cultivation, R/o. Vemuluru (V), Kovvuru (M), West Godavari District, A.P.
4. The Revenue Divisional Officer, Panchayath Raj, Kovvuru, West Godavari District.
5. The Tahsildar, Kovvuru Mandal, West Godavari District.
6. The Vemuluru Gram Panchayath, Rep., by Secretary, Vemuluru, Kovvuru Mandal, West Godavari District.
7. Kotikalapudi Veera Bhandra Rao, S/o. Subba Rayudu, Vemaluru, Kovvuru (M), West Godavari District.
8. The Station House Officer, Kovvuru Town Police Station, Kovvuru, West Godavari District.

...Respondents/Respondents

(R2 to R6 are not necessary in this writ petition)

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 vacate the interim orders granted on 28.02.2019 in I.A.No.1 of 2019 in WP.No.2591 of 2019.

IA NO: 1 OF 2023

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 grant leave to the petitioner herein/ respondent no. 5 in WP.No. 2591 of 2019 to file counter affidavit in the above writ petition.

Counsel for the Petitioner: SRI Y V SRINIVASAN

Counsel for the Respondents 1 & 3: GP FOR PANCHAYAT RAJ RURAL DEV

Counsel for the Respondents 2 & 4: GP FOR REVENUE

Counsel for the Respondent No.5: SRI N.SRIHARI, SC for GRAM PANCHAYAT

Counsel for the Respondent No.6: SRI A.RAMA KRISHNA

Counsel for the Respondent No.7: GP FOR HOME

The Court made the following order:

IN THE HIGH COURT OF ANDHRA PRADESH: AMARAVATI

HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

WRIT PETITION No.2591 OF 2019

Mane Veera Venkata Sathyanarayana, S/o late
Veera Bhadra Rao, Aged about 45 years, Occ;
Cultivation, R/o Vemuluru Village, Kovvuru
Mandal, West Godavari District, A.P.

... Petitioner

Versus

The State of Andhra Pradesh, Rep. by its Principal
Secretary, Panchayat Raj and Rural Development
Department, Secretariat, at Velagapudi, Guntur
and six others.

... Respondents

Counsel for the petitioner : Sri Y.V.Srinivasan

Counsel for respondents : GP for Panchayat Raj & Rural
Development, GP For Revenue, Sri
N.Sri Hari, standing counsel for
Gram Panchayat and Sri
A.Ramakrishna for R6.

:ORDER:

The writ petition is filed under Article 226 of the Constitution
of India, seeking the following relief:

“....to declare the action of the respondent Nos.2 to 5 and 7
in not preventing respondent No.6 from proceeding with the
illegal constructions raised on Gram Panchayath Road
(Puntha Poramboke) in R.S.No.170/C4 by blocking the
right of ingress and egress of petitioner to his agricultural
land to an extent of Ac.0-47 cents in R.S.No.173 of
Vemuluru Village, Kovvuru Mandal, West Godavari District,

A.P., as illegal, arbitrary and contrary to Section 53 of A.P.Panchayat Raj Act and consequently direct the respondent Nos.2 to 5 and 7 to demolish the said structures raised by the 6th respondent and pass such other order or orders...”

2. Heard Sri Y.V.Srinivasan, learned counsel for the petitioner, learned Assistant Government Pleader for Revenue appearing on behalf of respondent Nos.2 to 4, Ms.M.Rosy, learned counsel representing Sri N.Sri Hari, learned Standing Counsel appearing on behalf of respondent No.5 and Sri A.Ramakrishna, learned counsel appearing on behalf of respondent No.6.

3. The averments, in brief, in the affidavit, are that the petitioner is the owner and possessor of agricultural land of an extent of Ac.0-47 cents in RS.No.173 of Vemuluru village, Kovvuru Mandal, West Godavari District. The 6th respondent is having land in RS.No.170/14 beside the land of the petitioner. Panchayat road exists in RS.No.170/C4. Petitioner has been using the said road for transportation of agricultural tools, tractors including bullock carts for the purpose of cultivation. The 6th respondent previously constructed building in his land and to extend his building he dug the pits in the passage (gramakantam) vested with Gram Panchayat and raised the beams on 05.01.2019 by blocking the passage. Petitioner made representation dated 07.01.2019 to

respondent Nos.2 and 5 and representation dated 06.01.2019 to respondent No.7. The 6th respondent and his people used criminal force. With these averments, the above writ petition is filed.

4. Respondent No.3 filed counter-affidavit. It was contended, inter alia, that the 6th respondent constructed compound wall on the Eastern side of his house. Punta poramboke is situated in RS.No.170/C4 on the Northern side of the house of 6th respondent. The contention of the petitioner that the 6th respondent blocked his ingress and egress to enter his fields situated in RS.No.173 by constructing compound wall, is not correct. There is no obstruction for the petitioner's ingress and egress to reach his land in RS No.173 through Punta poramboke which is in RS No.170/C4. As per the report of the Panchayat Secretary, Vemuluru Gram Panchayat, Punta poramboke is vested on the Northern side of the 6th respondent's house and the land of the petitioner is in front of the house of the 6th respondent and there is no obstruction to the petitioner to enter his land. The Panchayat Secretary in his letter dated 21.01.2019 requested the Tahsildar to verify the concerned documents and conduct survey of the disputed land. In the letter dated 01.07.2019 the Panchayat Secretary, Vemuluru stated that the construction of building of 6th respondent is in his site and there is no obstruction to the petitioner to enter his land.

5. In the Counter-affidavit filed by the 6th respondent, it was contended that the 6th respondent made construction within the boundaries of his land. Along with the counter-affidavit, letter addressed by the District Panchayath Officer, Eluru, West Godavari is annexed.

6. Learned counsel for the petitioner would contend that the construction made by the 6th respondent is blocking the way of the petitioner to reach his fields.

7. Learned counsel appearing for the 6th respondent and learned Standing Counsel on the other hand, would contend that the construction made by the 6th respondent is not obstructing the way of the petitioner to reach his fields situated in RS No.173.

8. Thus, as seen from the pleadings and other material available on record, there is no dispute that the petitioner is owning land in RS No.173. The letter addressed by the District Panchayat Officer, Eluru, West Godavari District would disclose that the 6th respondent constructed compound wall to the Eastern side of his house. On the Northern side of his house, Punta poramboke exists in RS No.170/C4 and there is no construction. In fact, petitioner has access to reach his fields and there is no obstruction for the petitioner.

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9. Since the letter addressed by the Panchayat Secretary, Vemuluru to the District Panchayat Officer, Eluru would disclose that the construction of compound wall made by the 6th respondent is not causing any obstruction for the petitioner to reach his fields, this Court does not find any merits in the writ petition. The writ petition is liable to be dismissed.

10. Accordingly, the Writ Petition is dismissed. No costs.

As a sequel, pending miscellaneous petitions, if any, shall stand dismissed.

Sd/-N.NAGAMMA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Panchayath Raj and Rural Development, State of AP, Secretariat, Velagapudi, Amaravathi, A.P.
2. The Revenue Divisional Officer, Panchayath Raj, Kowuru, West Godavari District.
3. The District Panchayath Raj Officer, West Godavari District, Eluru.
4. The Tahsildar, Kovvuru Mandal, West Godavari District.
5. The Secretary, Vemuluru Gram Panchayath, Vemuluru, Kovvuru Mandal, West Godavari District
6. The Station House Officer, Kovvuru Town Police Station, Kovvuru, West Godavari District.
7. One CC to Sri Y V Srinivasan, Advocate [OPUC]
8. One CC to Sri A.Rama Kirshna, Advocate [OPUC]
9. One CC to Sri N.Srihari, SC for Gram Panchayat [OPUC]
10. Two CCs to GP for Panchayat Raj & Rural Development, High Court of Andhra Pradesh. [OUT]
11. Two CCs to GP for Revenue, High Court of Andhra Pradesh. [OUT]
12. Two CCs to GP for Home, High Court of Andhra Pradesh. [OUT]
13. Two CD Copies

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A.D. far

HIGH COURT

DATED:25/01/2024

ORDER

WP.No.2591 of 2019



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**DISPOSING OF THE WP
WITHOUT COSTS**