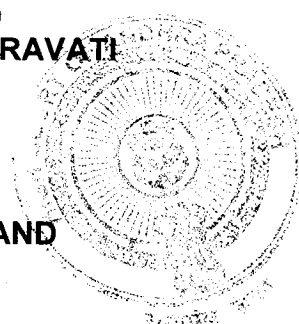


**(SHOW CAUSE NOTICE BEFORE ADMISSION)
IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)**

FRIDAY, THE TENTH DAY OF DECEMBER,
TWO THOUSAND AND TWENTY ONE

:PRESENT:

**THE HONOURABLE SRI JUSTICE BATTU DEVANAND
WRIT PETITION NO: 28461 OF 2021**



Between:

Shaik Mahaboob Basha, S/o.Hussain peera, Aged 55 years, Occ: Cultivation, R/o.
Pedapavani Village, Lingasamudram Mandal, Prakasam District.

...Petitioner

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 (Panchayat Wing), Prakasam District at Ongole.
3. The District Panchayat Officer, Ongole, Prakasam District.
4. The Panchayat Secretary - cum- Executive Authority, Pedapavani Gram Panchayat, Pedapavani Village, Lingasamudram Mandal, Prakasam District.
5. The Tahsildar, Lingasamudram Mandal, Prakasam District.

...Respondents

WHEREAS the Petitioner above named through his Advocate M/s NIMMAGADDA REVATHI 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 a writ, order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of respondents, particularly respondents 4 and 5 in contemplating to block the passage to petitioner's adjoining land by constructing Village Health Center and Roythu Bharosa Kendram and its allied godowns on Band Darr (Cart Track) in an extent of Ac. 4.50 Cents covered by Survey No.395/1 of Pedapavani Revenue Village in Lingasamudram Mandal of Prakasam District in violation of law aid down by full bench of this Hon'ble Court in Sataraboyina Someswara Rao Vs. Sangasetty Tirupathamma Reported in 1989 (1) ALT 36, as illegal, irregular, irrational and violative of provisions of Board Standing Order 15 of Andhra Pradesh Board of Revenue Standing Orders and Andhra Pradesh Land Encroachment Act, 1905 and offends articles 14 and 21 of Constitution of India and consequently direct the respondents not to construct Village Health Center Ind Roythu Bharosa Kendram and its allied godowns on said Bandi Dari (Cart Track) nor deprive petitioner's rights from usage thereof.

AND WHEREAS the High Court upon perusing the petition and affidavit filed herein and upon hearing the arguments of M/s Nimmagadda Revathi, Advocate for the Petitioner and GP for Panchayat Raj for the Respondent Nos.1 to 3 and Sri Vinod K.Reddy, Standing Counsel for the Respondent No.4 and GP for Revenue for the Respondent No.5, directed issue of notice to the Respondents herein to show cause as to why this WRIT PETITION should not be admitted.

You viz:

1. The Principal Secretary to Government, Panchayat Raj and Rural Development Department, Secretariat, Velagapudi, Amaravati, Guntur District, State of Andhra Pradesh.
2. The District Collector (Panchayat Wing), Prakasam District at Ongole.
3. The District Panchayat Officer, Ongole, Prakasam District.
4. The Panchayat Secretary - cum- Executive Authority, Pedapavani Gram Panchayat, Pedapavani Village, Lingasamudram Mandal, Prakasam District.
5. The Tahsildar, Lingasamudram Mandal, Prakasam 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 07.01.2022, on which date the case stands posted for hearing.

IA NO: 1 OF 2021

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 construct Village Health Center and Roythu Bharosa Kendram and its allied godowns on the Bandi Dari (Cart Track) in an extent of Ac.4.50 Cents covered by Survey No- 395/1 of Pedapavani Revenue Village in Lingasamudram Mandal of Prakasam District, pending disposal of WP No.28461 of 2021, on the file of the High Court.

The Court made the following:

ORDER:

"Notice before admission.

Post the matter on 07.01.2022 to enable the respondents to file their counter affidavits.

Till then, the respondents are directed to maintain *status quo*."

//TRUE COPY//

**Sd/- K.Tata Rao
DEPUTY REGISTRAR**

SECTION OFFICER

To,

1. The Principal Secretary to Government, Panchayat Raj and Rural Development Department, Secretariat, Velagapudi, Amaravati, Guntur District, State of Andhra Pradesh.
2. The District Collector (Panchayat Wing), Prakasam District at Ongole.
3. The District Panchayat Officer, Ongole, Prakasam District.
4. The Panchayat Secretary - cum- Executive Authority, Pedapavani Gram Panchayat, Pedapavani Village, Lingasamudram Mandal, Prakasam District.
5. The Tahsildar, Lingasamudram Mandal, Prakasam District. (Addresses 1 to 5 by RPAD- along with a copy of petition and affidavit)
6. One CC to M/s Nimmagadda Revathi, Advocate [OPUC]
7. Two CCs to GP for Panchayat Raj, High Court of Andhra Pradesh. [OUT]
8. Two CCs to GP for Revenue, High Court of AP [OUT]
9. One CC to Sri Vinod K Reddy, Standing Counsel [OPUC]
10. One spare copy

MM

HIGH COURT

DEVJ

DATED:10/12/2021

**NOTE: POST THE MATTER ON 07.01.2022 TO ENABLE THE RESPONDENTS TO
FILE THEIR COUTNER AFFIDAVITS**

NOTICE BEFORE ADMISSION

WP.No.28461 of 2021

STATUS QUO

