



HIGH COURT OF ANDHRA PRADESH
THURSDAY ,THE TENTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY TWO

PRESENT

THE HONOURABLE SRI JUSTICE D RAMESH

WRIT PETITION NO: 19680 OF 2020

Between:

1. Janni Satyanarayana, S/o. Venkata Ratnam, Aged about 59 years, Occ. Cultivation, R/o. D.No,3-172. Vinayaka Temple Street, Usulumarru - 534 329, Peravali Mandal, West Godavari District.
2. Janni Narasimha Murthy, S/o. Late JPV Ratnam, Aged about 68 years, Occ. Cultivation, R/o.D.No. 3-173, Opposite Water Tank, Usulumarru - 534 329, Peravali Mandal, West Godavari District.

...PETITIONER(S)

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.
3. The District Collector, West Godavari District at Eluru.
4. The District Panchayat Officer, Eluru, West Godavari District.
5. Usulumarru Gram Panchayat, Represented by its Panchayat Secretary, Usulumarru village, Peravali Mandal, West Godavari District.

...RESPONDENTS

Counsel for the Petitioner(s): N N SOMENDRA REDDY

Counsel for the Respondents: GP FOR PANCHAYAT RAJ RURAL DEV

The Court made the following: ORDER



THE HON'BLE SRI JUSTICE D.RAMESH

WRIT PETITION No.19680 of 2020

ORDER:

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

“to declare the action of the Respondents in deciding to construct the Rythu Bharosa Kendram on an existing road and road margin referred to as ‘Usulumarru Cheruvugattu Road’ laid in Sy.No.37-2 of Usulumarru Village, Peravali Mandal, West Godavari District as illegal, irregular, irrational and arbitrary without any authority of law and contrary to the provisions of AP Board standing orders and A.P Panchayat Raj Act, 1994 and consequently direct the Respondents to protect the existing road and road margin referred to as ‘Usulumarru Cheruvugattu Road’ laid in Sy.No.37-2 of Usulumarru Village, Peravali Mandal, West Godavari District, for passage purpose without constructing any Rythu Bharosa Kendram and pass”

2. The contention of the petitioners is that there is an existing road and road margin referred to as “Usulumarru Cheruvugattu Road”, covered by Sy.No.37-2 of Usulumarru Village, Peravali Mandal, which is on the Eastern side to their lands. Previously there was a Kaccha road from the last 30 years and the Panchayat laid gravel road in the year 2005 and since then the said road is being used for ingress and egress of cattle. While that being the position, the respondents are contemplating to construct Rythu Bharosa Kendram in the subject land which is prohibited as per BSO Rule 15 (4) (ii) (m) and also the orders of this Hon’ble Court in W.P.No.3834 of 2020 and batch.



3. Learned counsel for the petitioners submitted that in identical matter in W.P.No.3834 of 2020, this Hon'ble Court held that the respondents are directed not to construct Grama Sachivalayam (village secretariat) or any other building on the berm of the road leading to Devulapalli and Dubacherla, by effacing the drain so as to obstruct the way of the petitioner to reach his lands. In view of the same, the respondents are not entitled to construct Rythu Bharosa Kendram in the water bid area.

4. Respondent No.4 filed counter stating that the Government sanctioned the Rythu Bharosa Kendram building to the Gram Panchayath and accordingly, they have identified site to an extent of Ac.0.08 cents in Sy.No.37/2 which was classified as Gramakantam. After following the procedure, construction of building has been commenced in the said land.

5. Learned Standing Counsel, appearing on behalf of 4th respondent, contended that only the apprehension of the petitioners is that the respondents are constructing Rythu Bharosa Kendram on the adjacent to Usulumarru Cheruvugattu Road, but in fact the respondents have started construction in an extent of Ac.0.08 cents in Sy.No.37/2 which was classified as Gramakantam land, identified by the Gram Panchayat. In view of the same, the respondents are entitled to construct Rythu Bharosa Kendram on the said land.

6. On perusal of the documents filed by the petitioners along with the writ petition i.e., adangals pertaining to Sy.No.37/2, they are classified as



Gramakantam land. The only prohibition is not to make any constructions in the road margins or not to convert any water body for any other purpose. But incidentally, the subject land, which the respondents proposed for construction, is Gramakantam land, accordingly, they are entitled to make constructions on the said land. In view of the facts and circumstances of the case the interim direction granted earlier is vacated, the respondents are at liberty to proceed for construction in the said land, in accordance with law.

7. Accordingly, the writ petition is disposed of. No costs.

Consequently, miscellaneous applications, pending if any, shall stand closed.

JUSTICE D.RAMESH

Date: 10.11.2022

sj



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THE HON'BLE SRI JUSTICE D. RAMESH

(Disposed of)

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Date: 10.11.2022

sj