

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

**FRIDAY, THE TWENTY EIGHTH DAY OF JUNE**  
**TWO THOUSAND AND TWENTY FOUR**

**PRESENT**

**THE HONOURABLE SRI JUSTICE B KRISHNA MOHAN**

**WRIT PETITION NO: 13242 OF 2024**



**Between:**

Yaddala Daniel, S/o Subba Rao, Aged about 37 years, R/o Konduru Village, Tada Mandal, Tirupati District.

**...PETITIONER**

**AND**

1. The State of Andhra Pradesh, rep. by its Principal Secretary, Panchayat Raj and Rural Development Department, AP Secretariat, Velagapudi, Amaravati, Guntur District
2. The Divisional Panchayat Officer, Sullurpeta, Tirupati District
3. Mandal Parishad Development Officer, Tada Mandal, Tirupati District
4. Konduru Grama Panchayat, Rep by its Panchayat Secretary, Konduru Village, Tada Mandal, Tirupati District.
5. Konduru Grama Sachivalayam, Rep by its Secretary, Konduru Village, Tada Mandal, Tirupati 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, direction, order or orders more particularly one in the nature of WRIT OF MANDAMUS declaring the Respondents in issuing notice vide R.C no 04/GP/2024 dated 20.06.2024 directing the petitioner to deliver the Reverse osmosis water plant to 4<sup>th</sup> Respondent panchayat within seven days without inviting explanation and due process of law as illegal, arbitrary, malafidy and violation of the A.P Panchayat Raj Act and violation of principles of natural justice and also offends Article 14

and 21 of the Constitution of India and consequentially quash the same in the interest of justice.

**IA NO: 1 OF 2024**

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 to direct the respondents not to interfere with the running of Reverse osmosis water plant in Konduru Village, Tada Mandal, Tirupati District by duly suspending notice vide R.C no 04/GP/2024 dated 20.03.2024.

**Counsel for the Petitioner: SRI SIVAPRASAD REDDY VENATI**

**Counsel for the Respondent Nos.1 & 2: GP FOR PANCHAYAT RAJ &  
RURAL DEVELOPMENT**

**Counsel for the Respondent Nos.3 to 5: SRI G.VENKATA REDDY, SC  
FOR ZPP, MPP & GRAM PANCHAYAT**

**The Court made the following: ORDER**



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

[3233]

FRIDAY, THE TWENTY EIGHTH DAY OF JUNE  
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SRI JUSTICE B KRISHNA MOHAN

WRIT PETITION NO: 13242/2024

Between:

Yaddala Daniel

...PETITIONER

AND

The State Of Andhra Pradesh and Others

...RESPONDENT(S)

Counsel for the Petitioner:

1. SIVAPRASAD REDDY VENATI

Counsel for the Respondent(S):

1. GP FOR PANCHAYAT RAJ RURAL DEV

The Court made the following Order:

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondent Nos.3 to 5.

2. This writ petition is filed questioning the notice issued by the 5<sup>th</sup> respondent dated 20.06.2024 directing the petitioner to surrender the "Ro Water Plant" by him within 7 days.

3. The learned counsel for the petitioner submits that initially *vide* Gram Panchayat Resolution of the 4<sup>th</sup> respondent in Resolution No.148, the

maintenance of "Ro Water Plant" in the village was entrusted to the petitioner with effect from 02.01.2021 for a period of 5 years, which would expire by 01.01.2026. While so, leveling the false allegations, the 5<sup>th</sup> respondent issued the impugned notice dated 20.06.2024 to surrender the "Ro Water Plant" so as to maintain it by the Grampanchayat itself for the needs of the villagers. But no opportunity is given to the petitioner and the petitioner has spent around a sum of Rs.5,70,000/- for its repairs and maintenance in order to fulfill the needs of the villagers and the villagers have no hindrance and the petitioner is maintaining the said works of the "Ro Water Plant". Pursuant to the impugned notice dated 20.06.2024 of the 5<sup>th</sup> respondent, the villagers also gave representation to the 3<sup>rd</sup> respondent dated 21.06.2024.

4. On the other hand, the learned Standing Counsel appearing for the respondent Nos.3 to 5 submits that the petitioner can also give representation to the 3<sup>rd</sup> respondent pursuant to the impugned notice dated 20.06.2024 and if so, the same will be considered by following the due procedure.

5. In view of the above said facts and circumstances, the petitioner is permitted to submit an explanation for the impugned notice of the 5<sup>th</sup> respondent dated 20.06.2024 to the respondent Nos.2 to 5 by enclosing all the necessary documents in support of his claim within a period of two (02) weeks from the date of receipt of this order. On receipt of the same, the 3<sup>rd</sup> respondent has to consider and dispose of the representation of the petitioner strictly in accordance with law as expeditiously as possible preferably within a period of eight (08) weeks thereafter by hearing all the parties concerned

including the petitioner and upon verification of the records and the subject "Ro Water Plant", appropriate decision shall be taken on it's own merits. Pending consideration of the explanation/ representation of the petitioner, there shall not be any coercive steps.

6. Accordingly, this Writ Petition is disposed of. There shall be no order as to costs.

As a sequel, Miscellaneous Petitions pending, if any, shall stand closed.

//TRUE COPY//

SD/- K.J.RAJA BABU  
ASSISTANT REGISTRAR  
SECTION OFFICER

To,

1. The Principal Secretary, Panchyat Raj and Rural Development Department, State of Andhra Pradesh, AP Secretariat, Velagapudi, Amaravati, Guntur District
2. The Divisional Panchayat Officer, Sullurpeta, Tirupati District
3. The Mandal Parishad Development Officer, Tada Mandal, Tirupati District
4. The Panchayat Secretary, Konduru Grama Panchayat, Konduru Village Tada Mandal, Tirupati District.
5. The Secretary, Konduru Grama Sachivalayam, Konduru Village, Tada Mandal, Tirupati District.
6. One CC to Sri Sivaprasad Reddy Venati, Advocate [OPUC] ✓
7. One CC to Sri G. Venkata Reddy, SC for ZPP, MPP & Gram Panchayat[OPUC] ✓
8. Two CCs to GP for Panchayat Raj & Rural Development, High Court of Andhra Pradesh. [OUT] ✓
9. Three CD Copies.

**HIGH COURT**

**DATED:28/06/2024**

**ORDER**

**WP.No.13242 of 2024**



**DISPOSING OF THE W.P. WITHOUT COSTS**