

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION Nos.9362 and 24405 of 2013

-
07.12.2015

W.P.No.9362 of 2013:

Between:

V.Pundarikaksha Reddy

.. Petitioner

and

The State of Andhra Pradesh,
represented by its Principal Secretary,
Municipal Administration and Urban Development Department,
Hyderabad and others

.. Respondents

Counsel for the petitioner: Mr.Kasa Jaganmohan Reddy

Counsel for respondent No.1: Government Pleader
for Municipal Administration and Urban Development (AP)

Counsel for respondent Nos.2 and 3: Mr.S.D.Goud,
standing counsel for Municipalities (AP)

Counsel for respondent No.4: Assistant Government Pleader for Revenue
(AP)

W.P.No.24405 of 2013:

Between:

V.Venkatalakshmi

.. Petitioner

and

The State of Andhra Pradesh,
represented by its Principal Secretary,
Municipal Administration and Urban Development Department,
Hyderabad and others

.. Respondents

Counsel for the petitioner: Mr.Kasa Jaganmohan Reddy

Counsel for respondent No.1: Government Pleader
for Municipal Administration and Urban Development (AP)

Counsel for respondent Nos.2 and 3: Mr.S.D.Goud,
standing counsel for Municipalities (AP)

Counsel for respondent No.4: Assistant Government Pleader for Revenue (AP)

Counsel for respondent No.5: Assistant Government Pleader
for Roads & Buildings (AP)

The Court made the following:

COMMON ORDER:

The rightful grievance of the petitioners in these writ petitions is that respondent No.2 Corporation has not been removing the encroachments for the purpose of widening the road between the petitioners' lands and the national highway.

At the hearing, Mr.Kasa Jaganmohan Reddy, learned counsel for the petitioners, has placed reliance on the common order, dated 11.12.2012 in W.P.Nos.21242 of 2012 and batch filed by the encroachers against the action of respondent No.2 Corporation seeking removal of the encroachments.

A perusal of the aforesaid order shows that these writ petitions have been dismissed, however, granting liberty to the petitioners therein to pursue such remedies as are available under law. In the counter-affidavit filed by the Commissioner of respondent No.2 Corporation in W.P.No.21242 of 2012, it was, *inter alia*, stated that the Revenue Divisional Officer, Anantapur, in his letter, dated 22.11.2008, addressed to the Executive Engineer of Roads & Buildings (R&B), Anantapur, stated that the Tahsildar, Anantapur, has furnished the details of encroachers in survey No.444/1 for taking necessary action for their eviction; that the Government of Andhra Pradesh, *vide* G.O.Rt.No.343, dated 31.03.2012, of T(R&B) & VI/Department accorded administrative sanction of Rs.125 lakhs for eviction of the encroachments and widening the road to four lane between KM 355/4 and 356/0 of Hyderabad-Bangalore road in Anantapur town limits near collectorate and that respondent No.2 Corporation has taken up survey

for detection of the unauthorized constructions and issued notices to the encroachers by following due process of law. The counter-affidavit admitted that encroachments are made without permission from the R&B and Revenue Departments and the structures raised by the encroachers are causing inconvenience to the traffic. It is further averred that notices, dated 02.07.2012, were issued for eviction of the encroachers.

The tenor of the aforesaid counter-affidavit shows a totally indifferent attitude of respondent No.2 Corporation to the encroachments. On the one hand, it is averred therein as noted above, that the encroachments are causing serious obstruction to the traffic and on the other hand, nothing is suggested by the deponent of the counter-affidavit as to what measures will be taken for removal of the encroachments. Such a lackadaisical attitude of a public servant of a responsible Corporation is deplorable, to say the least. The Commissioner of respondent No.2 Corporation, who filed the counter-affidavit, seems to be oblivious of his responsibility to ensure that the encroachments are removed in order to see that the traffic flows freely. When on respondent No.3's own showing, the State Government sanctioned Rs.125 lakhs for removal of the encroachments and widening of the road, this Court is unable to comprehend as to what are the factors that are pulling respondent Nos.2 and 3 back from implementing the aforesaid G.O., more so, when the writ petitions filed by the encroachers were dismissed by this Court.

For the aforementioned reasons, these Writ Petitions are allowed and respondent Nos.2 and 3 are directed to remove all the encroachments as identified by the Tahsildar, Anantapur, referred to by the Revenue Divisional Officer, Anantapur, in his letter, dated 22.11.2008, addressed to the Executive Engineer of Roads & Buildings (R&B), Anantapur, and also any further encroachments that may have come up after the said identification, by following due

process of law and communicate the action to the petitioners, within a period of three months from the date of receipt of a copy of this order.

As a sequel to allowing these writ petitions, W.P.M.P.No.11664 of 2013 in W.P.No.9362 of 2013 and W.P.M.P.No.30035 of 2013 in W.P.No.24405 of 2013 filed by the respective petitioners for interim reliefs shall stand disposed of.

C.V.NAGARJUNA REDDY, J

07th December, 2015

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