

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

WRIT PETITION No.42296 of 2015

-
29.12.2015

Between:

Petani Nookaraju

.. 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.K.Jyothi Prasad

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

Counsel for respondent Nos.4 and 5: Assistant Government Pleader
for Revenue (AP)

Counsel for respondent Nos.2 and 3: --

Counsel for respondent Nos.6 to 9: --

The Court made the following:

-

-

-

-

-

-

-

-

ORDER:

This writ petition is filed feeling aggrieved by the purported inaction of respondent Nos.2 and 3 in preventing respondent Nos.6 to 9 from carrying on illegal constructions over a part of the land in survey No.71-1B of Pedagantyada Village and Mandal, Visakhapatnam District.

The petitioner has pleaded that he was the owner of land admeasuring Acs.1.20 cents in the aforesaid survey number, that out of the said land, an extent of Ac.0.90 cents was acquired by the Visakhapatnam Steel Plant and that respondent Nos.6 to 9 have illegally encroached upon a part of the balance land belonging to the petitioner leftover after acquisition and been raising constructions thereon without permission. It is his further pleaded case that when representations were made to respondent Nos.2 to 4, they visited the site of construction and removed a part of construction. The grievance of the petitioner is that even though respondent Nos.6 to 9 have resumed the illegal activity of construction, no action is being taken by respondent Nos.2 to 4.

Mr.S.Lakshmi Narayana Reddy, learned standing counsel for the Greater Visakhapatnam Municipal Corporation (GVMC) appearing for respondent Nos.2 and 3, on instructions, has submitted that as respondent Nos.6 to 9 have encroached road margin portion, the officials of respondent No.2 removed the structures raised by them and that as of now, no further construction is being raised.

The averments made in the writ petition do not show that the petitioner is seeking to espouse public cause. He is mainly concerned with the alleged encroachment of the land belonging to him by respondent Nos.6 to 9. In the garb of enforcing the statutory duties of

respondent No.2, the petitioner has availed this public law remedy, in order to settle the personal dispute, he has with respondent Nos.6 to 9. If respondent Nos.6 to 9 have encroached a part of the petitioner's land, he is entitled to avail the common law remedy of a civil suit for their eviction and also to prevent them from raising further construction. The learned counsel for the petitioner has submitted that so far, his client has not even given notice to respondent Nos.6 to 9 to vacate the subject land and refrain from raising further construction thereon. In the light of the above facts, I do not find any merit in this writ petition.

The Writ Petition is accordingly dismissed, however, with liberty to the petitioner to avail the common law remedy of a civil suit against respondent Nos.6 to 9.

As a sequel to dismissal of the Writ Petition, W.P.M.P.No.54561 of 2015 filed by the petitioner for interim relief shall stand dismissed as infructuous.

C.V.NAGARJUNA REDDY, J

29th December, 2015

GHN