

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA
PRADESH

* * *

WRIT PETITION No. 22892 of 2015

BETWEEN

B.Venkat Ratnam

... PETITIONER

AND

The State of Andhra Pradesh, rep. by its Principal Secretary and others

...RESPONDENTS

Date of Order pronounced: 18.09.2015

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

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| 1. Whether Reporters of Local newspapers
may be allowed to see the Judgments? | Yes/No |
| 2. Whether the copies of judgment may be
marked to Law Reporters/Journals? | Yes/No |
| 3. Whether his Lordship wish to see the
fair copy of the Judgment? | Yes/No |

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ORDER:-

Heard.

2. Petitioner complains that respondent Nos.2 and 3 have already taken action under the A.P.Land Encroachment Act, 2005 by issuing notice under Section 7 followed by Section 6 as early as on 03.01.2015, but no further

action is taken to remove the encroachments in the school premises and thereby the construction of additional classrooms in the existing premises in the Mandal Praja Parishad Upper Primary School at Bodagudipadu Village, Dagadarthi Mandal, is held up. Petitioner states that he is an elected member of the Mandal Territorial Constituency, which has established the Primary School in four acres of land. However, 19 people had encroached on the school premises and the gram panchayat has already taken action against all of them except respondent Nos.4 to 7. Two additional class rooms are sanctioned to the school under Rajiv Vidya Mission and the said work is held up.

3. It is evident from the record that the order under Section 6 was passed as early as on 03.01.2015 and no appeal appears to have been filed by any of the said encroachers.

4. When this writ petition is filed alleging inaction on the part of the third respondent, learned government for revenue had obtained instructions confirming that the aforesaid order under Section 7 was already passed but the encroachers are requesting that they are agricultural coolies and seek allotment of house sites under Indira Awas Yojana. It is also stated that a public representative has already promised the petitioner to provide houses under Indira Awas Yojana, but the instructions surprisingly show that after completion of such houses the encroachments would be removed.

5. Such action on the part of the respondents cannot be appreciated inasmuch as the school atmosphere and the construction of school rooms would be affected. Unless the third respondent takes appropriate further action in pursuance of order already passed by him on 03.01.2015, in spite of obtaining sanction the school will not be able to utilize the funds allotted to it under Rajiv Vidya Mission.

6. Mrs. M. Rajeswari, learned counsel had taken notice for private party-respondents and she was granted time as early as on 27.08.2015, but no counter affidavit is filed so far and the request for adjournment by the counsel cannot be acceded.

7. Writ petition is therefore disposed of directing the third respondent to take such further necessary steps as required in pursuance of orders under Section 6 expeditiously within four weeks from the date of receipt of a copy of this order.

As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

VILAS V. AFZULPURKAR, J

September 18, 2015

LMV