

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 21254 of 2015

Date : 10.7.2015

Between :

Vasamsetti Gangadhara Rao S/o Appa Rao
M/s. Jagadamba Family Restaurant,
Mpl Shop Nos 8,9 and 10,
Gokavaram bus stand, Rajahmundry, E G District

Petitioner

And

State of A P,
Rep by its Principal Secretary, Municipal Admn
Secretariat, Hyderabad and another

Respondents

The Court made the following:

HONOURABLE SRI JUSTICE P. NAVEEN RAO

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ORAL ORDER:

Petitioner challenges endorsement dated 7.7.2015 directing him to remove the illegal structures erected outside his commercial premises where he has established family restaurant.

2. On 10.6.2015 petitioner has submitted application for regularization of the extra portion constructed on the municipal site in front of shop Nos 8,9 and 10, Gokavaram bus stand, Rajahmundry, E G District. Initially petitioner informed the municipal corporation that he would remove the structures voluntarily but in spite of several notices, he has not removed the structures. Having regard to the fact that extra municipal space occupied by the petitioner would cause much inconvenience to the public and free flow of traffic, the corporation has not agreed for continuation of the encroachment, even if he volunteered to pay extra money to municipal corporation. Therefore vide impugned endorsement dated 7.7.2015, petitioner was directed to clear the encroachments made on the road margin and municipal site in front of the municipal shops within 24 hours. Challenging the same, this writ petition is filed.

3. The endorsement dated 7.7.2015 would disclose that petitioner illegally occupied by encroaching into the municipal site and petitioner has also agreed that he has made encroachment and seeks such encroachment to be regularized so that his hotel business can run smoothly.

4. As recorded in the endorsement dated 7.7.2015 impugned in this writ petition, the encroachments made by the petitioner are causing much inconvenience to the commuters on the road and there is an urgency to remove such encroachments in view of the on-going 'Godavari Pushkaram-2015'.

In view of the fact that it is an illegal encroachment, petitioner cannot be permitted to continue with such encroachments, more particularly when larger public interest involved on account of large number of pilgrims visiting the town for 'Godavari Pushkaram-2015' and such encroachments cause hardship to visitors and cause hindrance to civil authorities in providing amenities.

5. I see no error in the impugned endorsement and the writ petition deserves to be dismissed and accordingly dismissed. At this stage, learned counsel for petitioner, on instructions, submits that petitioner is ready to remove the encroachments by Monday evening. Having regard to the

request made by the learned counsel for petitioner, petitioner is permitted to remove the encroachments and handover the vacant possession to municipal corporation by 5.00 P.M on 13.7.2015. No costs. Having regard to the same, miscellaneous petitions, if any pending, are closed.

P NAVEEN RAO,J

DATE: 10.7.2015

TVK

Note : Issue copy urgently.

HONOURABLE SRI JUSTICE P. NAVEEN RAO

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