

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.31791 OF 2011

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ORDER:

The case of the petitioners is that the petitioners 1 and 3 were allotted the area in Balanagar for the purpose of running industries under the registered sale deeds executed by the Managing Director of A.P.Industrial Infrastructure Corporation Limited and the petitioner No.2 was allotted area by the Department of Industries, Government of Andhra Pradesh. Since then, the petitioners were in peaceful possession and enjoyment of their respective areas. It is further stated that there is a 100 feet sub road linking the main Balanagar-Narsapur road and the said road passes through the compound wall of the petitioner No.2 company on one side and the same further leads and ends near the petitioner No.3 company. While so, some unauthorized persons have encroached the road side margin abutting to petitioner No.2 company compound wall. Due to the inaction of the respondents the petitioners have submitted several representations to the respondent authorities including the one addressed on 03.09.2011, but since no action has been taken, present writ petition is filed.

Learned counsel for the petitioners submits that though notices were issued to the encroachers in the year 2009, no subsequent action has been taken till today by the respondents.

S r i L.Prabhakar Reddy, learned counsel appearing for respondents 1 to 3 states that since suit in OS.No.51 of 1994 is pending and interim order granted in IA.No.2119 of 1996 in OS.51 of 1994 is operating, the respondents could not take further action against the encroachers. He further states that since the suit is dismissed further action will be taken as per law.

Heard Sri Sudhakar Reddy, learned counsel for the 8th respondent and Sri Sampath Prabhakar Reddy, learned counsel for respondents 4 and 5.

Since it is stated that OS.No.51 of 1994 is already dismissed in the year 1998 and that the 2nd respondent has already issued notices to the encroachers, it is for the 2nd respondent to take action as per law.

In view of the same, there shall be a direction to the 2nd respondent to take further action in pursuance of the notices dated 13.02.2009, as per law, within a period of three months from the date of receipt of a copy of this order, against the encroachers.

Accordingly, the writ petition is disposed of. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

23.06.2015
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