

HON' BLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No.44504 of 2016

ORDER:

It is the case of the petitioner that the then Guntur Municipality allotted/ assigned an extent of Acs.3.88.5 cents in favour of Town High School, Guntur, on 11.02.1925. After taking possession of the said land, the then Town High School Management constructed a compound wall for the said site and running a school. Later, the Town High School was converted as Hindu College and Hindu College High School under separate managements. The Guntur Municipal Council assigned an extent of Ac.1.21257 cents of land in T.S.No.1, Block No.1, Agraharam West Ward (ward No.16) under Deed of Transfer of immovable property dated 21.06.1940. Thus, the total land in possession of the Hindu College and Hindu College High School is Acs.5.097751 cents. A compound wall was constructed in continuation of the earlier compound wall and it is in possession of the petitioner. When the 2nd respondent-Guntur Municipal Corporation proposed to construct shops for Ashajyoti Chappal Workers Society, the petitioner filed W.P.No.26448 of 2006 and the same was disposed of on 08.12.2008, directing the 2nd respondent not to

construct shops either on the road or road margin. When the said order was not complied, the petitioner filed C.C.No.81 of 2010 and the same was disposed of on 21.10.2011 and a representation was made before this Court stating that it would demolish the building which was constructed without permission. However, no further action has been taken by the 2nd respondent. In the meanwhile, the said Ashajyoti Chappal Workers Society filed O.S.No.117 of 2012 in the Court of the III Additional Junior Civil Judge, Guntur and obtained decree. Thus, the orders of this Court could not be implemented. While so, the 2nd respondent issued a notice on 26.11.2016 alleging that the petitioner encroached the land situated in T.S.No.680 of Block No.1 of Ward No.16 of abutting G.T.Road and constructed a compound wall and asked the petitioner to remove the same within three days. Challenging the same, the present writ petition is filed.

Heard the learned counsel for the petitioner, learned Government Pleader for Municipal Administration and Urban Development and the learned Standing Counsel for the 2nd respondent.

Since the impugned notice is issued asking the petitioner to remove the encroachments, the petitioner is at liberty to submit an explanation within a period of three days from the date of receipt of a copy of this order and the 2nd respondent

shall consider the same and pass appropriate orders in accordance with law, within a period of one week thereafter. Till such time, no action for removal of the alleged encroachment shall be taken.

With the above directions and observations, the Writ Petition is disposed of. No costs.

Pending miscellaneous petitions, if any, shall stand dismissed in consequence.

Date: 22.12.2016

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A. RAMALINGESWARA RAO, J

