

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

AND

HON'BLE SRI JUSTICE P.NAVEEN RAO

P.I.L No. 167 OF 2015

16.02.2016

Between:

D.V.R. Raju,

Visakhapatnam.

... Petitioner

And

The State of Andhra Pradesh,

Rep. by its Principal Secretary,

Revenue Department,

Secretariat, Hyderabad, and others.

... Respondents

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

AND

HON'BLE SRI JUSTICE P.NAVEEN RAO

-

P.I.L No. 167 OF 2015

-
PC: (per the Hon'ble the Acting Chief Justice Dilip B. Bhosale)

Heard Dr.P.B. Vijaya Kumar, learned counsel for the petitioner; Sri D. Ramesh, learned Special Government Pleader for respondent Nos.1 to 3 and Sri S. Lakshminarayana Reddy, learned Standing Counsel for respondent Nos.4 and 5.

The petitioner, in the instant PIL, seeks the following relief:

“For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon'ble Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the Respondents in not removing/further preventing all the encroachments in S.No.128/23 of Yellapuvanipalem Village, Gopalapatnam Post, Chinagadili Mandal, Visakhapatnam District, as arbitrary, illegal and violative of Art. 21 of the Constitution of India and consequently direct removal of the encroachments by conducting survey of the Govt. lands and also lay a proper road with sufficient width in the interests of the residents of the colony connecting village main roads at both ends and to pass such other order or orders as this Hon'ble Court may deem fit, just and proper in the circumstances of the case.”

Sri S. Lakshminarayana Reddy, learned Standing Counsel submits that the petitioner is one of the encroachers in Survey No.128/23 of Yellapuvanipalem Village, Gopalapatnam Post, Chinagadili Mandal, Visakhapatnam District.

On the other hand, learned counsel for the petitioner submits that the petitioner is a purchaser of 400 square yards of land in Survey No.128/21 by registered sale deed dated 14.03.2007. He, however, submits that if it is found that the petitioner has also encroached in Survey No.128/23, he is prepared to surrender the said portion of the land to the concerned authority.

Sri S. Lakshminarayana Reddy submits that respondent Nos.4 and 5 shall take steps for removing encroachments in Survey No.128/23.

Learned Special Government Pleader appearing for respondent Nos.1 to 3 also makes a similar submission.

We hope and trust that all the concerned respondents shall take steps to remove encroachments, if any, in Survey No.128/23 of Yellapuvanipalem Village,

Gopalapatnam Post, Chinagadili Mandal, Visakhapatnam District, as expeditiously as possible and preferably, within a period of 12 weeks from the date of receipt of this order.

If it is found that the petitioner has also encroached in Survey No.128/23 and if he refuses to remove encroachments himself and handover vacant possession of the portion of land in his possession, as aforementioned, it is open to the respondents to remove the same, if necessary, with police aid.

In view of these observations, learned counsel for the petitioner does not press this PIL.

The PIL is disposed of as not pressed.

Learned counsel for the petitioner is directed to communicate this order along with other relevant materials to concerned authorities within a period of 10 days from today.

Miscellaneous petitions, if any, also stand disposed of.

DILIP B. BHOSALE, ACJ

P.NAVEEN RAO, J

Date: 16.02.2016

Note: Furnish Certified Copy

B/o

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