

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION Nos.19801 And 13880 OF 2016

COMMON ORDER:

The case of the petitioner is that the unofficial respondent encroached the public road in front of Z.P.High School, Tallaproddatur Village, Kondapuram Mandal, Y.S.R. District belonging to the R & B Department and started to raise commercial building. On a complaint made by the 4th respondent, the Station House Officer, Tallaproddatur registered a crime under Section 447 of I.P.C on 08.03.2015. The 3rd respondent also issued prohibitory orders under Section 145(1) of the Criminal Procedure Code, 1973 restraining the unofficial respondent from entering the premises where he was carrying on the construction activity and the petitioner being the Sarpanch of the village also tried to stop the illegal construction of the unofficial respondent. But the 3rd respondent failed to pass final orders under Section 145(6) of Cr.P.C. though relevant documentary evidence is produced by the petitioner. Aggrieved by the same, the present writ petition is filed.

The Tahsildar in his written instructions admits that the unofficial respondent has encroached the road margin and further states that when the unofficial respondent was asked to vacate the premises in his encroachment, he declined the same stating the he has not encroached the school site and that there are more than 50 persons who encroached the road margin; and the petitioner made complaint only against him and that he would vacate the encroached premises voluntarily only if the respondent officials take action against other persons also who encroached the road margin.

When once it is found that the unofficial respondent has encroached the public road, it is for the respondents to take steps for eviction of the same. The written instructions produced by the learned Assistant Government Pleader for Revenue goes to show he is supporting the unofficial respondent for obvious reasons.

In view of the same, the 3rd respondent is directed to take action against the encroachments which was admitted by him in the written instructions and also pass final orders under Section 145(6) of the Cr.P.C. in accordance with law. The said exercise shall be completed within a period of three (03) weeks from the date of receipt of copy of this order, after issuing notice to the affected parties.

With the above direction, these writ petitions are disposed of. No costs. As

a sequel to the disposal of these petitions, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY,J

05-07-2016
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