

**HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH**

WRIT PETITION (PIL) No.52 OF 2016

Between:

Koppula Srinivasa Rao .. Petitioner

AND

State of Andhra Pradesh
Rep. by its Principal Secretary,
Department of Revenue, Secretariat,
Hyderabad and twelve others .. Respondents

WRIT PETITION No.25414 OF 2016

Between:

Kesamneni Sridhar .. Petitioner

AND

State of Andhra Pradesh
Rep. by its Principal Secretary,
Panchayat Raj & Rural Development Department,
A.P. Secretariat, Hyderabad and five others .. Respondents

DATE OF JUDGMENT PRONOUNCED:

SUBMITTED FOR APPROVAL:

HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

AND

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

1. Whether Reporters of Local newspapers
may be allowed to see the Judgments? -
2. Whether the copies of judgment may be
Marked to Law Reporters/Journals. No
3. Whether Their ladyship/Lordship wish
to see the fair copy of the Judgment? Yes

Justice A. Shankar Narayana

**HON'BLE THE ACTING CHIEF JUSTICE
RAMESH RANGANATHAN**

AND

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

WRIT PETITION (PIL) No.52 OF 2016

AND

WRIT PETITION No.25414 OF 2016

COMMON ORDER: (Per Hon'ble Sri Justice A. Shankar Narayana)

Former Writ Petition (Public Interest Litigation) is filed by the Ex.Sarpanch of Revendrapadu Gram Panchayat claiming to be a Social Worker in the said village as Public Interest Litigation (PIL) with a request to issue Writ of *Mandamus* directing respondent Nos.4 to 12, official respondents, to remove the encroachments in an extent of Ac.0-07 cents made by respondent No.13, Kesamneni Sridhar, in the land belonging to Irrigation Department in Survey No.254, situated at Revendrapadu Village and Panchayat, Duggirala Mandal, Guntur District, in the larger interest of the villagers as per G.O. Ms. No.118, Panchayat Raj and Rural Development (Pts.IV) Department dated 21.07.2011.

2. Latter Writ Petition is filed by respondent No.13 in the former writ petition, also seeking Writ of *Mandamus* challenging the action of respondent Nos.3 and 4, the Deputy Executive Engineer, Rural Water Supply, Central Sub Division, Duggirala, Guntur District and the Assistant Executive Engineer, Rural Water Supply, Main Canal Section, Duggirala, Guntur District, in issuing the notices dated

13.06.2016 and 08.06.2016, directing him to remove the shops made on the left side of KW Main Canal Section from KM 11.000 to KM 11.500 of the same village within seven (7) days from the date of receipt of the notices without considering his reply dated 16.06.2016 as illegal, arbitrary, against the principles of natural justice and violative of Articles 14, 19, 21 and 300-A of Constitution of India with a consequential relief to set aside the said notices issued by respondent Nos.3 and 4 respectively.

3. At this stage itself, we intend to state that the petitioner in the former writ petition (PIL) is not made as a party in the array of respondents in the latter writ petition.

4. The subject matter being one and the same and the relief which the petitioners claimed in their respective writ petitions relate to the very same subject matter, opining that it would be convenient to dispose of both writ petitions by way of a common order, taken up together.

4(a) For convenience sake, the parties in the former writ petition (PIL) are referred to.

5. Substantially, the factual matrix projected by the petitioner has been that respondent No.13 being the husband of the present Sarpanch of the village, abused official position of his wife, encroached into the land belonging to the Irrigation Department in an extent of Ac.0.07 cents which constitutes a portion of the left bank of

PWD Canal Bund *poramboke site* causing inconvenience (i) to the public as well as parking of auto-rickshaws, (ii) flowing of drainage water and (iii) to the traffic in the main centre.

6. The petitioner states that initially, he approached the Mandal Legal Services Committee, Tenali by filing a Pre Litigation Case which was registered as PLC No.69 of 2014 on 01.08.2014; respondent No.12, Secretary of Gram Panchayat filed counter affidavit stating that respondent No.6, the Tahsildar, visited the subject land along with the Mandal Surveyor and when surveyed, he found that respondent No.13 made constructions by encroaching Ac.0.07 cents of P.W.D. Canal Bund, *poramboke site*; in the enquiry, it came to light that the disputed property is a Shopping Complex constructed by respondent No.13; respondent No.13's wife is the present Sarpanch of the Gram Panchayat and a report is filed along with a sketch prepared by the Mandal Surveyor stating that as per G.O. Ms. No.188 dated 21.07.2011, respondent No.12 is the competent authority to remove the encroachments made in Survey No.254 of the village which pertains to Irrigation Department; pursuant to the said report, the Mandal Legal Services Committee, sought respondent No.12 for further action on the issue; respondent No.12 further revealed that construction of encroachment was made in PWD Canal Bund which is directly under the control of the Irrigation Department; the Irrigation Department, represented by respondent Nos.8 to 10 herein have to protect the canal bunds from unauthorised

encroachment; the Revenue Department represented by respondent Nos.4 to 6 have magisterial powers; the officials of the revenue and irrigation departments have to fix boundaries to the subject land with the assistance of the officials and ascertain and mark the encroachment made by respondent No.13; the Panchayat authority, thereafter, will have to proceed in the matter; the issue is a sensitive issue on her part to remove since respondent No.13 is husband of the present Sarpanch and on account of the said reason, she is unable to proceed further unless there is an order of the Court or orders of the higher authorities. The Mandal Legal Services Committee, opining that it was not possible for settlement, directed the petitioner to approach the appropriate forum and closed the P.L.C. No.69 of 2014 on 02.01.2016.

7. The second attempt made by the petitioner is making a representation to the Grievance Cell on 01.02.2016, to take necessary action for removal of encroachments. On his representation, respondent No.4 issued proceedings in letter No.645/2016-G7 dated 10.03.2016, stating therein that respondent No.7, the District Panchayat Officer, Tenali in his Memo Roc.No.645/2016-G7 dated 08.02.2016, directed the Divisional Panchayat Officer, Tenali to submit a report and respondent No.12 in her letter dated 29.02.2016, stated that respondent No.13 encroached the land belonging to Irrigation Department and also constructed a building and paying tax to the Gram Panchayat from 2014-15 and 2015-16 and except the said

construction, no new construction is raised. The petitioner also expressed his grievance that respondent No.13 along with his followers tried to act in highhanded manner against some of the villagers, in his absence on 06.09.2014, but the Police, Duggirala Police Station, falsely filed STC No.160 of 2014 on the file of II Additional Junior Civil Judge, Tenali, Guntur District against him and others which was pending disposal by the date of filing the present petition.

8. The petitioner states that he made a representation to the District Rural Superintendent of Police, Guntur, the Station House Officer, Duggirala Police Station, complaining against respondent No.13 that he threatened to kill him when he was approaching the Grievance Cell and thus, expressed threat to his life from respondent No.13.

9. The petitioner states that he obtained relevant information by invoking the provisions of Right to Information Act 2005; copy of the report of the Mandal Surveyor along with combined sketch and proceeding dated 04.04.2015 of respondent No.6 and these all would make it clear that respondent No.13 encroached upon the subject land. Hence, the writ petition under Public Interest Litigation.

10. Respondent No.13 in his affidavit in the writ petition comes out with a plea that he purchased an extent of Ac.1.00 of land in Survey No.196 under registered sale deeds in 2009 and 2010,

constructed nine (9) terraced shops and also a residential house on the western portion of the property abutting R&B road and they were assessed by respondent No.5 - Gram Panchayat and he has been paying the tax regularly.

11. He refers to the fact situation in PLC No.69 of 2014, but claims that the petitioner has been inimically disposed of towards him in view of political rivalry between them, but the P.L.C. was dismissed disbelieving the version of his opponent.

12. The remaining averments of his affidavit are to the effect that he has denied the encroachment and alleges that the petitioner, wielding his political influence got the impugned demolition notices issued to him. Stating that he raised construction in the land purchased by him with his hard-earned money and eking out livelihood and if the shops and the house are demolished, his entire family would suffer irreparable loss and hardship, sought to quash the impugned notices.

13. The Superintending Engineer - respondent No.8 filed his counter affidavit on 24.06.2016, on behalf of respondent Nos.9 and 10 and on his behalf. They state that on the representation filed by the petitioner along with others complaining that Smt. Kesamneni Aruna Kumari, wife of respondent No.13, had taken up illegal constructions, immediately they addressed the Tahsildar of Duggirala Mandal to stop the activity and requested to mark the boundaries of Krishna Western

Canal KM 11.00 to KM 11.900 left side; at request of the Tahsildar, requisite fee through challan to carry out survey details was remitted; the Mandal Surveyor issued notice dated 25.08.2014 undertaking the date of survey as 01.09.2014, requesting to make 'tom tom' for the same; the survey was done accordingly, but the Tahsildar did not supply the report to them; they issued notice dated 26.07.2014 which was served on respondent No.13 requiring him to remove encroachments and at that stage, the petitioner filed PLC No.69 of 2014, but the issue was not settled. They stated that there was no lapse on their part and issued notices dated 26.07.2014 and 08.06.2016 directing respondent No.13 to remove the encroachments. Stating that the procedure mandates assistance of revenue department for removal of encroachment or eviction, since they acted immediately on the representation and taken all the necessary steps and the grievance ventilated by the petitioner is incorrect, sought to dismiss the writ petition.

14. Respondent No.12 filed counter on 27.10.2016. While denying the statement made by respondent No.8 in their counter that the procedure for eviction of encroachment requires to be dealt with by taking cooperation of revenue department, states that in the fact-situation occurring in the present case, taking steps by her as Panchayat Secretary does not arise; she has denied the allegation directed against her that she desisted for removal of encroachments as the issue is sensitive; that she issued notice dated 24.02.2016 after the

petitioner had made a representation to the Grievance Cell, directing respondent No.13 not to make any construction upon the encroached land; that a reply was given; the subject channel bund vests with the Irrigation Department and the said Department had already issued notice; the allegation that as Gram Panchayat Secretary, she has to protect the Panchayat land as per G.O. Ms. No.188, but failed to follow is untenable as the construction was made on PWD channel bund which is directly under the control of the Irrigation Department and the notice was already issued by the said department and stating that the petitioner has not raised proper and justifiable grounds warranting interference of this Court and that the W.P. (PIL) is misconceived, sought to dismiss the same.

15. Respondent No.13 filed his counter on 14.11.2016. While denying the allegations made by the petitioner, he states that he purchased an extent of Ac.1.00 of land in Survey No.196 of Revendrapadu Village, Duggirala Mandal, Guntur District from Smt. Mallipeddi Radha Rani and four (4) others under separate sale deeds in 2009 and 2010 years and was put in possession of the said extent; he constructed nine terraced shops and also a residential house on the western side of the schedule property which abuts R & B road; after construction of the terraced shops and house separately, they were assessed by the Gram Panchayat; he has been paying property tax without keeping any arrears; refers to PLC No.69 of 2014 filed by the petitioner and its dismissal by the Lok Adalat Committee, Tenali

disbelieving the version of the petitioner; the present writ petition is filed to harass him mentally and physically to cause loss to him since his wife has been working as President of the said village; originally some part of the land is Government land which was acquired by him and he paid necessary fee to the concerned for regularisation of the same and, as such, there is no grabbing and causing nuisance of grabbing public property. He states that lot of people have been conducting business in the said area by raising stalls and, therefore, no question of grabbing the property does arise; no nuisance is created to the public interest; if this Court passes any orders, nearly 150 families would be thrown on roads as they have been doing petty business in the area for the last few decades; and due to political grudge, the petitioner targetted him.

16. Concerning the alleged encroachment, he states that after R & B road, which passes in between the canal and his land, the canal bund area was encroached by many encroachers and so also on the western side of his property and the petitioner without making any grievance against the other encroachers of the canal bund, intentionally targetted him, as he is the president of Duggirala Mandal for the ruling party and only to bring disrespect to him filed the present writ petition and sought to dismiss the writ petition.

17. In his reply filed by the petitioner on 10.11.2016 for the counter affidavit filed by respondent Nos.6, 8 to 10 and 12, he states that respondent No.12 to avoid her duties, made false allegations by

supporting respondent No.13 in alleging that there was political rivalry between himself and respondent No.13, which, according to him, is false. He states that respondent No.12 by virtue of her post, being executive authority, obligated to take necessary steps to protect the land being encroached by respondent No.13. He states that respondent No.12 took a varying stand in the counter affidavit from the one she had taken earlier.

18. In his reply to the counter affidavit filed by respondent No.13, the petitioner states that respondent No.13 has admitted that he occupied the Government land and paid fee to the concerned authorities for regularisation of the same, but respondent Nos.6 and 8 to 10 did not say anything about payment of fee for regularisation of the land stated by respondent No.13. He has denied the averment made by respondent No.13 that 150 families doing petty business in the area and they would be thrown as incorrect, asserting that the respondent No.13 has grabbed the encroached property high-handedly and occupied the same and there is no rivalry between them to file the present writ petition (PIL). He has also denied the averments that he filed the present writ petition (PIL) to bring disrespect to respondent No.13. Stating that respondent No.13, without giving any explanation to the counters filed by the official respondents as well as eviction proceedings issued by them, simply thrown burden on him on the pretext of political rivalry between them.

19. Heard Sri K. Ramakoteswara Rao, learned counsel for the petitioner; the learned Government Pleader for Panchayat Raj and Rural Development (A.P.); Sri Ravi Cheemalapati, Standing Counsel for ZPP/MPP and Gram Panchayats; the learned Government Pleader for Irrigation and Command Area Development (A.P.); the learned Government Pleader for Revenue; and Sri Rizwan Ali, learned counsel for respondent No.13 and the petitioner in the latter writ petition.

20. We have perused the affidavit averments in both the writ petitions and the material placed on record.

21. The petitioner, while describing him stated that he is Ex-Sarpanch of Revendrapadu Gram Panchayat and also a social worker, filed the writ petition (PIL) in the larger interest of the villagers against the official respondents for their inaction to remove the encroachment of Ac.0-07 cents made by respondent No.13 at prime location of the village in the land belonging to the Irrigation Department, respondent Nos.8 to 10 being the officials and the construction raised by respondent No.13 was in the land belonging to the Irrigation Department. When examined the material placed by the petitioner, it would *ex facie* reveals that respondent No.13 encroached upon the land belonging to the Irrigation Department.

22. A cursory glance at the counter filed by respondent No.12 - Secretary of Revendrapadu village, Revendrapadu Gram Panchayat, Duggirala Mandal, Guntur District in P.L.C. No.69 of 2014 on the file of Mandal Legal Services Committee, Telanli, would clearly indicate that she expressed her hesitation to act to carry out the instructions given by her superiors on the premise that the issue involved is a sensitive one for removal of the construction (encroachment part) made by the husband of the present Sarpanch of Revendrapadu village.

23. Therefore, the request made by the petitioner is in the larger interest of the villagers against the official respondents for their inaction in removing the encroachment made by respondent No.13 and, thus, we hold that the petitioner is not personally interested in the cause and pursuing it in the larger interest of the villagers.

24. Turning to the inaction complained by the petitioner;

(i) initially, we intend to examine whether the construction raised by respondent No.13 is located in the land belonging to the Irrigation Department,

(ii) second, the steps taken by the officials of Revenue Department, Irrigation Department and Panchayat Raj Department requires further examination in arriving at whether it accounts for inaction of the officials in removing the encroachments as complained by the petitioner.

25. The material placed by the petitioner to substantiate the cause, mainly consists of the grievance he expressed before the Lok Adalat Committee, Tenali, in PLC No.69 of 2014, counter filed by respondent No.12, orders passed by the Lok Adalat Committee, complaint filed by the petitioner with the Grievance Cell in Revenue Department, correspondence in the form of instructions given by the officials of Revenue Department, Irrigation Department and the Panchayat Raj Department, report of the Mandal Surveyor pursuant to the direction given by the Collector along with the plan drawn by the Mandal Surveyor showing location of the portion on which constructions were raised by respondent No.13 and copy of the petition submitted by the petitioner to the Superintendent of Police, Guntur District.

26. In PLC No.69 of 2014 filed by the petitioner, he has shown that respondent No.13 has illegally encroached upon nearly Ac.0-30 cents of PWD *poramboku* and constructed compound wall merging the same into his own land. On account of the said encroachment, the villagers have been facing much inconvenience for free passage and sought to summon the respondent therein to settle the grievance. When the Lok Adalat Committee issued notice to respondent No.13 and the Executive Engineer, Assistant Engineer of Public Works Department, Tenali, and the Tahsildar, Duggirala Mandal, who is respondent No.6 herein, respondent No.12 has filed counter and

thereafter, the Lok Adalat Committee passed the order, dated 12.12.2015, thus:

“Both parties are present. Heard both sides. In the circumstances, there is no possibility for settlement through Lok Adalat. Hence, petition is closed with a direction to approach appropriate forum.”

27. Thus, it is clear that the Lok Adalat Committee required the petitioner to approach the appropriate forum as there was no possibility for settlement and closed the matter. The order passed by the Lok Adalat Committee is extracted for a particular purpose which we would like to advert to in the context of averments made in the counter filed by respondent No.12 and what is relevant for the present purpose is as to what has been stated by respondent No.12 in her counter in P.L.C. 69 of 2014.

28. We have already adverted to in the above what has been stated by respondent No.12 in her counter in the present writ petition (PIL).

29. In her counter before the Lok Adalat Committee in PLC No.69 of 2014, while stating that the Irrigation Department has to protect the canal bunds from the unauthorised encroachments and constructions on the PWD canal bund which is directly under the control of the Irrigation Department, and the Revenue Department has Magisterial powers and the Surveyor is part and parcel of the Revenue

Department and, unless the encroachment made by the encroacher is ascertained by the Revenue and Irrigation Departments with the assistance of the Surveyor, the Panchayat authority cannot proceed in the matter and states in paragraph Nos.4 and 5, thus:

“4. This respondent further submits that it is a sensitive issue on the part of the Panchayat Secretary to remove the construction (encroachment part) made by the husband of the present Sarpanch of the Revendrapadu village.

5. In the circumstances stated above, this respondent is unable to proceed further unless there is an order of the Hon'ble Court or the orders of the higher authorities.”

30. Having stated so, in her counter in PLC, in the present writ petition, she bluntly denies that she desisted for removal of encroachment as the issue is sensitive and claims that such allegation levelled by the petitioner herein is untenable. In the present context, it is relevant to refer to the provisions of Rule 4 of the Andhra Pradesh Gram Panchayats (Protection of Property) Rules, 2011, which deals with eviction of encroachments:

“4. EVICTION OF ENCROACHMENTS:

(i) Where it is brought to the notice that any property of the Panchayat is under occupation of any persons the Executive authority (Panchayat Secretary) shall serve a notice to the party concerned and give a brief hearing before proceeding for eviction.

(ii) Suitable orders shall be passed by the Executive authority (Panchayat Secretary) before actual eviction takes place.

(iii) The Divisional Panchayat Officer will conduct a monthly review of these cases for protecting Gram Panchayat properties in his jurisdiction through monitoring the process of eviction. He will also give periodical reports to District Panchayat Officer, who will review the cases once in two months.

(iv) The Executive authority (Panchayat Secretary) may take necessary assistance from the police as per section 139 of the Andhra Pradesh Panchayat Raj Act'1994.

(v) The evicted property of the Gram Panchayat shall be protected by making fencing or by constructing a compound wall depending on the value of the property and by displaying a notice board.

(vi) A permanent register on encroachment of Panchayat properties shall be maintained in all Gram Panchayats and the same will be validated in the Gram Sabha and Gram Panchayat meetings at least twice in a year.

(vii) Aggrieved parties may file representations to the Executive authority (Panchayat Secretary) concerned by marking a copy to the Divisional Panchayat Officer.

(viii) The petitions filed by the aggrieved parties will be monitored and disposed of by the Divisional Panchayat Officer / District Panchayat Officer.”

31. Clause (ii) of Rule 4, obligates the executive authority i.e., Panchayat Secretary, to pass suitable orders before actual eviction takes place. From the averments made in the counter filed in PLC No.69 of 2014 and also in the present writ petition, respondent No.12 is completely aware of the encroachment made by respondent No.13. Despite the same, in her counter, she pleads that the petitioner has not raised proper and justifiable grounds warranting interference of this Court and that the writ petition is misconceived and requests to dismiss the writ petition (PIL).

32. The Panchayat Secretary, being executive authority, when the petitioner brought to her notice that respondent No.13 made encroachment and sought necessary action, she is not expected to make an evasive reply in her counter going to the extent of commenting that the petitioner has not raised proper and justifiable grounds and to seek dismissal of the writ petition. It is clear from both the counters filed by her that she was shirking to discharge her legitimate functions as an executive authority.

33. When the counter filed by respondent No.8 is examined, he complains that the Tahsildar, having conducted enquiry has not supplied report even after paying the requisite fee through challan to carry out survey and making 'tom tom' before the survey was conducted on the appointed date. It is not expected of respondent No.8 to complain that the Tahsildar has not supplied copy of the

report even by the date he filed the counter in the instant writ petition. As a public servant, he was duty bound to make a request to the District Magistrate and Collector for supply of a copy of the report. It appears that he has not made any such attempt to secure surveyor's report.

34. Respondent No.8 has also filed a copy of the notice bearing No.142 MC dated 26.07.2014, in respect of KW main canal between KM 11.000 to KM 11.500 left bank, issued to respondent No.13, for illegal encroachment and construction of shops without prior permission and copy of notice dated 08.06.2016 issued by respondent No.10, Assistant Executive Engineer to respondent No.13 requiring him to remove the unauthorised construction made on the encroached area belonging to Irrigation Department within seven (7) days i.e., by 16.06.2016 and, in case, he fails to do so, the Irrigation Department would take action to remove them in accordance with law and the letter addressed by the Mandal Surveyor to the Tahsildar (respondent No.6) dated 10.03.2016, enclosing thereto the combined sketch showing the site under encroachment and the constructions raised thereon. Respondent Nos.8 to 10 having issued notice to respondent No.13 in 2014 itself, requiring him to remove the encroachments, having kept quiet for about nearly two (2) years, issued the notice dated 08.06.2016 for removal of construction. It is clear from the copy of the report submitted by the Mandal Surveyor to the Tahsildar which, of course, does not reflect date, but, still, it shows that it

reached the Tahsildar on 10.03.2016, as the signature of the Tahsildar is to be found on that report, reporting that he conducted survey in the presence of the Village Revenue Officer, Revendrapadu Gram Panchayat, Gram Panchayat Secretary (respondent No.12) and Assistant Executive Engineer (respondent No.10) and found that respondent No.13 occupied PWD *poramboke* an extent of Ac.0.06 cents in Survey No.196 and built a tin shed. A photostat copy of plan was also filed showing the proposed site on which construction was raised by respondent No.13. Thus, though, the report was received by respondent No.6 on 10.03.2016, nearly about three (3) months later, respondent No.10 issued notice dated 08.06.2016. Thus, we are of the view that respondent Nos.8 to 10 did not swiftly move in taking necessary action against respondent No.13 for removal of construction on the subject land in the writ petition (PIL), which was filed on 16.04.2016. It appears, on receipt of notice in the writ petition (PIL), the notice dated 08.06.2016, referred to hereinbefore, was issued. However, we have no hesitation in holding that these documents would make it abundantly clear that respondent No.13 encroached part of the bund area of the canal falling in Survey No.196 belonging to the Irrigation Department and constructed tin shed, as is evident from the report of the Mandal Surveyor. Thus, not only the counter filed by respondent No.13, but also the counter filed by respondent Nos.8 to 10 and the material placed by them before us would establish that respondent No.13 encroached upon an extent of Ac.0.06 cents of canal bund area belonging to the Irrigation Department, represented

by respondent Nos.8 to 10 and constructed a tin shed thereon. Therefore, there is every justification in issuing notice by respondent No.10 requiring respondent No.13 to remove the constructions raised on the encroached area and in case, he does not remove, necessary action would be taken for removal of construction on the encroached area, in accordance with law.

35. The counter filed by respondent No.13 is very vague. He does not specifically deny the fact of encroaching upon the subject site and constructing the tin shed which are termed by the petitioner as shops. Since we adverted to the averments put forth by him in his counter in detail hereinabove, it is unnecessary to refer to them once again. Suffice it to hold, to wriggle himself out, he comes up with the excuse that lot of others raised stalls and there was never an occasion to cause nuisance to the passers-by and in case the encroachments are removed, nearly 150 families would be thrown on roads and the petitioner targetted him alone since he is president of Duggirala Mandal and belongs to ruling party, whereas the petitioner belongs to YSR Congress Party. No doubt, he made an attempt to justify his action in raising construction upon the encroached area by relying on the receipts issued by Revendrapadu Gram Panchayat evidencing the payment of house tax and the electricity bills and some positive photographs, but mere payment of tax to Gram Panchayat and obtaining electricity connection, would not lead to establish his right over the encroached area. Therefore, the defence offered by him

through his counter neither helps him in resisting the notice issued by respondent No.10 for removal of construction made by him upon the encroached area identified by the Mandal Surveyor and clearly depicted in the sketch appended to the report nor would assist him in granting the relief sought for by him in W.P. No.25414 of 2016 to quash the notices dated 13.06.2016 and 08.06.2016 issued by respondent Nos.9 and 10.

36. Thus, while we find every merit in the request made by the petitioner to grant writ of mandamus directing respondent Nos.4 to 12 to remove the encroachment made by respondent No.13 in the land belonging to respondent Nos.8 to 10 situated in Revenudrapadu Village and Gram Panchayat, Duggirala Mandal in the larger interest of the villagers since the said construction on the encroached area would cause inconvenience to the public, for parking of the auto-rickshaws and obstruction to drainage water flow, we do not find any merit at all in the request made by respondent No.13 in W.P. No.25414 of 2016 filed by him to quash the notices issued by respondent Nos.8 to 10. We, therefore, direct respondent No.13 to remove the construction raised by him on the subject land within two (2) months from today and, in case, he fails to do so, respondent Nos.4 to 12 shall remove the same within two (2) months thereafter.

37. Accordingly, Writ Petition (PIL) No.52 of 2016 is allowed, and Writ Petition No.25414 of 2016 is dismissed with the above directions, at the admission stage itself. There shall be no order as to costs.

As a sequel thereto, Miscellaneous Petitions, if any, pending in the writ petitions, stand disposed of.

RAMESH RANGANATHAN, ACJ

A. SHANKAR NARAYANA, J

December ____ 2016.
PV

