

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

Writ Petition No.4385 of 2016

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Date: 11.02.2016

Between:

Inala Diwakar

.. Petitioner

and

The State of Andhra Pradesh
rep. by its Prl.Secretary
Municipal Administration &
& Urban Development Dept.,
Hyderabad and 10 others

.. Respondents

Counsel for the petitioner : Mr.K.Chidambaram

**Counsel for respondent No.1: GP for Municipal
Administration**

Counsel for respondent No.3: AGP for Revenue

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The Court made the following:

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Order:

This Writ Petition is filed for a Mandamus to declare the inaction of respondent No.2, in taking steps for removal of the illegal constructions made by respondent Nos.4 to 11 in Survey No.234, Edepally, Machilipatnam, Krishna District, as illegal and arbitrary.

At the hearing, Mr.Nimmagadda Venkateswarlu, learned Standing Counsel for Municipalities (Andhra Pradesh), appearing for respondent No.2, on instructions, submitted that on the complaint made by the petitioner and others, the land, on which respondent Nos.4 to 11 (for short 'the private respondents') have constructed the houses, was got surveyed through the Tahsildar, Machilipatnam, and that it was found that the private respondents have encroached the public road and made constructions without obtaining permission. He has further submitted that a notice under Section 197 of the Andhra Pradesh Municipalities Act, 1965 (for short 'the Act') was issued and the provisional and the final orders were passed under Sections 228 (1) and 228 (3) of the Act. While submitting further that respondent No.2 will take further action for removing the

encroachments in a time bound manner, the learned Standing Counsel has requested for two months' time for this purpose.

Though this Court is not satisfied with the indolent conduct of respondent No.2, in that having completed all the legal formalities for removal of encroachments, it has not accomplished the final act of removal of encroachments, having regard to the fair submission of the learned Standing Counsel, respondent No.2 is directed to initiate the action for removal of encroachments and complete the same within two months from today.

Subject to the above direction, the Writ Petition is disposed of.

As a sequel to disposal of the Writ Petition, WPMP.No.5614 of 2016, filed by the petitioner for interim relief, is disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

Dt: 11th February, 2016
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