

**IN THE HIGH COURT OF JUDICATURE, AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA
PRADESH**

HON'BLE SRI JUSTICE S.V. BHATT

WRIT PETITION No.6128 of 2012

DATE: 07.09.2017

Between:

Amarapalli Krishna Murthy S/o Amarapalli Nallappala Naidu

....petitioner

A n d

The Special Grade Deputy Collector, Land Acquisition for Steel Plant
Project, Visakhapatnam and two others.

....Respondents

HON'BLE SRI JUSTICE S.V. BHATT**WRIT PETITION No.6128 of 2012****ORDER:**

The petitioner prays for Mandamus declaring the action of respondents 1 & 2 in interfering with alleged lawful construction of a house at H.No. 18-33-23, Chinakorada Village, R.H.Colony, Pedagantyada Mandal, Visakhapatnam, as illegal, arbitrary and unconstitutional.

2. Briefly stated, the case of petitioner is that the petitioner is the absolute owner and possessor of H.No. 18-33-23, Chinakorada Village, R.H.Colony, Pedagantyada Mandal, Visakhapatnam. The petitioner filed O.S.No. 41 of 2012 for perpetual injunction against a third party and was decreed.

3. Be that as it may, the petitioner obtained permission from Greater Visakhapatnam Municipal Corporation (for short "GVMC") on 2.2.2012 and is now proposing to undertake construction strictly conforming to the permission granted by GVMC on 2.2.2012. The first and second respondents without following the procedure stipulated by law now are interfering with the possession and enjoyment of the subject matter of the Writ Petition. Hence, the petition.

4. This Court on 6.6.2012 granted the following interim direction:

“The petitioner has filed proof of service of notice on the respondents, but they have not entered appearance so far.

There shall be interim direction to respondents 1 & 2 to the effect that they shall not interfere with the construction of house made by the petitioner in accordance with the sanctioned plan.”

5. The first respondent filed a petition to vacate the interim order and in the counter affidavit the first respondent states that the respondents have acquired lands for Visakhapatnam Steel Plant from various individuals and as a measure of rehabilitation operated a package called “Relief and Rehabilitation Package” and granted land in an extent of 107 square yards to each one of the displaced persons. In this back ground, it is stated that the petitioner is neither a displaced person nor married major son of the displaced person. The petitioner encroached vacant space in Pedagantyada Rehabilitation Colony, which is earmarked for communal purpose. The permissions said to have been obtained from GVMC/second respondent are fake documents. First respondent further refers to the manner in which the documents are brought into existence and how the petitioner has approached this Court with malafide intention to grab valuable Government land. The

petitioner has not filed reply explaining the petitioner's stand on various allegations made in the counter affidavit.

6. After taking note of the stand in the affidavit and the objections of first respondent, this Court is of the view that the Writ Petition can be disposed of by this Order:

- (1) The parties are directed to maintain status quo as regards possession and physical features of subject matter of the Writ Petition for a period of three months from today.
- (2) The first and second respondents are directed to cause local inspection of the subject matter of the Writ Petition and if the petitioner is found to be in possession of land earmarked for communal purpose, they are given liberty to issue notice under Land Encroachment Act and remove the encroachment in accordance with law after affording reasonable opportunity to the petitioner.

7. The Writ Petition is disposed of as indicated above. There shall be no order as to costs. As a sequel there to, miscellaneous applications, pending if any, shall stand closed.

S.V. BHATT, J

Date: 07.09.2017
KA

Note: Registry is directed to communicate a copy of this order to the District Collector, Visakhapatnam District as well as the Tahsildar, Pedagantlyada Mandal, Visakhapatnam for necessary action.

