

**THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI**

**WRIT PETITION No.21875 of 2018**

**ORDER:**

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner seeking a writ of mandamus declaring the action of the 2<sup>nd</sup> respondent and insisting upon the petitioner to vacate his property, admeasuring Ac. 0.15 cents in Survey No.109, situated in Rajam Village and Mandal, Srikakulam District, as illegal, irregular, irrational and violative of provisions of the Andhra Pradesh Municipalities Act, 1965, & Rules framed thereunder and provisions of the Indian Constitution. A consequential direction to the 2<sup>nd</sup> respondent not to interfere with the possession and enjoyment of the subject property by the petitioner is also sought.

**2.** I have heard the submissions of Sri *Srinivas Ambati*, learned counsel appearing for the petitioner, of the learned Government Pleader for Municipal Administration and Urban Development appearing for the 1<sup>st</sup> respondent; and of Sri *Nimmagadda Venkateswarlu*, learned Standing Counsel appearing for the 2<sup>nd</sup> respondent. I have perused the material record.

**3.** Learned counsel for the petitioner submits that the petitioner is in peaceful possession and enjoyment of the subject property since past 50 years and that while so, the staff of the office of the 2<sup>nd</sup> respondent visited the property and insisted upon the petitioner to vacate the same and that though the property is within the Gramakantam, as per settled legal position, private properties of individuals can also be there in Gramakantam and simply because

the property is recorded in the revenue records as Gramakantam, the 2<sup>nd</sup> respondent is not entitled to insist upon the petitioner to vacate the property.

**4.** Sri *Nimmagadda Venkateswarlu*, learned Standing Counsel, submits that the averments in the writ affidavit are false and that in the event the Nagar Panchayat wants to evict the petitioner from the subject property, it would follow the procedure established by law.

**5.** Recording the submissions, the Writ Petition is disposed of directing the 2<sup>nd</sup> respondent not to evict the petitioner from the subject property and to follow the procedure established by law, if eviction of the petitioner from the subject property is necessary. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in these Writ Petitions shall stand closed.

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**M.SEETHARAMA MURTI, J**

Date: 28<sup>th</sup> June, 2018

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