

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

THURSDAY, THE SEVENTH DAY OF JULY
TWO THOUSAND AND TWENTY TWO

:PRESENT:

THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA



IA No. 1 OF 2020
IN
WP NO: 2352 OF 2020

Between:

1. Kethineni Satyanarayana, S/o Venkata Ramaiah, aged about 63 years. Occ Agriculturist, Rio Ganganamma Temple Street, Pedapalaparru Village, Mudinepalli Mandal, Krishna District, Andhra Pradesh.
2. Boppana Naga Venkata Lakshmi Narasimha Rao, S/o Basaveswara Rao, aged about 48 years, Occ Agriculturist, Rio Pedapalaparru Village, Mudinepalli Mandal, Krishna District, Andhra Pradesh.
3. Vernulapalli Venkata Narayana, S/o Satyanarayana, aged about 44 years, Occ Agriculturist, Rio Pedapalaparru Village, Mudinepalli Mandal, Krishna District, Andhra Pradesh.
4. Boppana Venkata Narayana, S/o Subba Rao, aged about 51 years, Occ Agriculturist, R/d Pedapalaparru Village, Mudinepalli Mandal, Krishna District, Andhra Pradesh

...Petitioners

AND

1. The State of Andhra Pradesh, Rep. by its Principal Secretary, Panchayat Raj, Velagapudi, Amaravathi, Guntur District.
2. The District Collector, Collectorate Campus, Machilipatnam, Krishna District.
3. The District Panchayat Officer, Krishna District, Machilipatnam.
4. The Pedapalaparru Grampanchayat, Rep. by its Secretary, Pedapalaparru Village, Mudinepalli Mandal, Krishna District.
5. Sri Pedapalaparru Ganganamma Thalli Trust, Rep. by its Managing Trustee, Ch. Gopi @Ch.S. Gopi, S/o Subba Rao, aged 62 years, R/o D.No.1-105, Pedapalaparru Village, Mudinepalli Mandal, Krishna District, A.P.

...Respondents

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to appoint an Advocate Commissioner for inspection of the physical features of construction and an encroachment of the Road by 5th respondent, pending disposal of the Writ Petition and to pass Pending disposal of WP No. 2352 of 2020, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and Orders of the High Court dated 31-01-2020, 31-08-2020 and 09-09-2020 made herein and upon hearing the arguments of Sri D S N V Prasad Babu Advocate for the Petitioners, GP for Panchayat Raj for the Respondents 1 & 3, Sri I Koti Reddy (S.C.) for the Respondent 4, GP for Revenue for the Respondent 2 and Sri K. Madhava Reddy, Standing Counsel for the Respondent 5, the Court made the following;

ORDER:

"This application is filed with a prayer to appoint an Advocate Commissioner for inspection of the physical features of construction and encroachment of the road by the 5th respondent.

There is no representation on behalf of the petitioners.

Learned Assistant Government Pleader for Panchayat Raj, learned standing counsel for the Grampanchayat, and learned counsel for the 5th respondent submits that they have no objection to allow the application.

Accordingly, the application is allowed with the following directions:

- i) Sri B. Manoj Kumar, Advocate (Cell No.9059182819), is appointed as an Advocate Commissioner to note down the physical features of the construction of Sri Ganganamma Thalli Arjitha Seva Mandapam being made by the 5th respondent and the road and also to note down, whether the 5th respondent is constructing the Mandapam in its site or not.
- ii) Sri Yeti Koteswara Rao, Advocate (Cell No.6303033230) is appointed to assist the Advocate Commissioner.
- iii) The Advocate Commissioner shall take the assistance of the Mandal Surveyor.
- iv) The Advocate Commissioner shall execute this warrant before 18.07.2022 after giving prior notice to the petitioners and the respondents.
- v) The Advocate Commissioner shall submit his report before the next date of hearing.
- vi) The Advocate Commissioner's fee is fixed at Rs.30,000/- (Rupees Thirty thousand only) to be paid by both the parties equally directly to him.
- vii) Both the parties also have to bear all other incidental expenses to be incurred by the Advocate Commissioner equally.

Registry is directed to serve order copy to the Advocate Commissioner and Mr. Sri Yeti Koteswara Rao, Advocate, by 08.07.2022.

List the matter on 25.07.2022."

Sd/- G. SRINIVASA RAJU
ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To,

1. The Principal Secretary, Panchayat Raj, State of Andhra Pradesh, Velagapudi, Amaravathi, Guntur District.
2. The District Collector, Collectorate Campus, Machilipatnam, Krishna District.
3. The Distict Panchayat Officer, Krishna District, Machilipatnam.
4. The Secretary, Pedapalaparru Grampanchayat, Pedapalaparru Village, Mudinepalli Mandal, Krishna District.
5. Ch. Gopi @Ch.S. Gopi, S/o Subba Rao, Managing Trustee, Sri Pedapalaparru Ganganamma Thalli Trust, R/o D.No.1-105, Pedapalaparru Village, Mudinepalli Mandal, Krishna District, A.P.(1 to 5 By RPAD)
6. Two CCs to GP for Panchayat Raj, High Court Of Andhra Pradesh. [OUT]
7. Two CCs to GP for Revenue, High Court Of Andhra Pradesh. [OUT]
8. One CC to Sri. D S N V Prasad Babu, Advocate [OPUC]
9. One CC to Sri. I Koti Reddy, Standing Counsel [OPUC]
10. One CC to Sri K. Madhava Reddy, Standing counsel [OPUC]
11. One spare copy.

MSB

HIGH COURT

NV,J

DATED:07/07/2022

ORDER

LIST THE MATTER ON 25.07.2022

IA NO.1 OF 2020
IN
WP.No.2352 of 2020

INTERIM DIRECTION

