

HIGH COURT OF ANDHRA PRADESH :: AMARAVATI

MAIN CASE No. WRIT PETITION NO.2447 OF 2024

PROCEEDING SHEET

SL. NO.	DATE	ORDER	OFFICE NOTE
1.	02.02.2024	<u>NV,J</u> Heard learned counsel for the petitioners, learned Government Pleader for Revenue, learned Government Pleader for Irrigation and learned Standing Counsel for Respondent No.6. The grievance of the petitioners in filing this Writ Petition is that the Respondents did not consider the Spandana application Nos. TPT20230612216 and TPT202401084682 submitted by the petitioner(s) dated 12.06.2023 and 08.01.2024 respectively for protecting the Swarnamukhi River lands from encroachments and illegal constructions in Sy.No.76-A to an extent of Acs.138.25 cents situated near Thimmaji Kandriga Village, Naidupeta Mandal, SPSR Nellore District. At the time of admission, the learned Government Pleader for Revenue submitted written instructions dated 31.01.2024 issued by Respondent No.5 / the Tahsildar, Naidupeta Mandal, wherein it is stated that an extent of Acs.138.25 cents in Sy.No.76-A of Thimmaji Kandriga Village, Naidupeta Mandal is classified as “Swarnamukhi River poramboke” as per the village Revenue record. It is further stated that on the representations filed by the petitioners through Spandana dated 12.06.2023,	

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		a detailed report has been submitted to the Respondent No.3 / District Collector, Tirupathi and it is noticed that though one person tried to construct a house, he immediately stopped the construction work and as of now nobody have encroached or making alleged construction of houses in River Poramboke. Learned counsel for the petitioners submits that the encroachments as narrated are not removed from Sy.No.76-A in an extent of Ac.138.25 cents and the Respondent Authorities have failed to consider the petitioners Spandana Applications dated 12.06.2023 and 08.01.2024. Having heard the respective counsels and in the considered opinion of this Court, it is appropriate and proper to appoint an Advocate Commissioner to bring the real facts before the Court. For which he has to note down the physical features of the disputed land for proper adjudication of this case, in the interest of justice. Learned counsel for the petitioners and learned counsel appearing for Respondents have agreed for appointment of an Advocate Commissioner and gave an undertaking that, the petitioners will bear all the expenses and towards the Advocate Commissioner fee and other incidental expenses, if any.	

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		Accordingly, the Advocate Commissioner is appointed with the following directions: (i) Mrs. Sudeepthi Potluri, Advocate (21888), Plot.No.206, Sri Swarna Residency, Sri Ram Nagar, Road No.1, Behind Kennedy High School, Kanur, Vijayawada (Mobile:90308 11999) is appointed as an Advocate Commissioner to note down whether the land in Sy.No.76-A to an extent of Ac.138.25 cents, situated near Thimmaji Kandriga Village, Naidupet Mandal, SPSR Nellore District is still intact without any encroachments as alleged or not?; (ii) Respondent No.5 - The Tahsildar, Naidupeta Mandal, Tirupathi District is directed to provide assistance by deputing the Mandal Surveyor for this purpose to assist the learned Advocate Commissioner and further directed Respondent No.2 to depute concerned Executive Engineer to assist and identify the subject land. (iii)Learned Advocate Commissioner shall execute this warrant on or before 10.03.2024, after giving prior notice to the petitioners and respondents. (iv)Learned Advocate Commissioner shall submit her report before the next date of hearing;	

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		(v) Learned Advocate Commissioner's fee is fixed at Rs.30,000/- (Rupees Thirty Thousands only) to be paid by the petitioners; (vi) The petitioners shall provide a Innova Crysta car for comfortable transportation of the learned Advocate Commissioner on the date of executing warrant. (vii) The petitioners have to bear all other incidental expenses to be incurred by the learned Advocate Commissioner. (viii) Registry is directed to serve the copy of this order to the learned Advocate Commissioner. Post the matter on 12.03.2024. _____ NV, J Knr	