

HIGH COURT OF ANDHRA PRADESH AT AMARAVATHI

MAIN CASE No: W.P.No.4593 of 2026

PROCEEDING SHEET

Sl. No.	DATE	ORDER	Office Note
01	17.02.2026	<u>TRR, J:</u> <u>I.A.No.01 of 2026</u> It is narrated in the writ petition that the petitioner is the absolute owner and possessor of the Aqua culture land property in a total extent of Ac.5-34 cents situated at RS No.819/3 and RS No.845/3 in Pedakapavaram village, Akiveedu Sub Division and Mandal, West Godavari District. The petitioner got the said property by virtue of registered partition deed dated 02.02.2022 vide Doc No.391 of 2022 registered in the office of the Joint Sub Registrar at Ganapavaram. The respondent authorities are tried to lay road in the property belongs to petitioner without acquisition and paying of compensation. Learned counsel for the respondents relied upon the judgment reported in 2024 SCC online SC 3210. The Hon'ble Supreme Court enumerated certain guidelines which was extracted here under: <i>30. Before acting in pursuance of a road widening project, the State or its instrumentalities must:</i> <i>(i) Ascertain the existing width of the road in</i>	

		<i>terms of official records/maps;</i> <i>(ii) Carry out a survey/demarcation to ascertain whether there is any encroachment on the existing road with reference to the existing records/maps;</i> <i>(iii) If an encroachment is found, issue a proper, written notice to the encroachers to remove the encroachment;</i> <i>(iv) In the event that the notice raises an objection with regard to the correctness or the validity of the notice, decide the objection by a speaking order in due compliance with the principles of natural justice;</i> <i>(v) If the objection is rejected, furnish reasonable notice to the person against whom adverse action is proposed and upon the failure of the person concerned to act, proceed in accordance with law, to remove the encroachment unless restrained by an order of the competent authority or court; and</i> <i>(vi) If the existing width of road including the State land adjoining the road is not sufficient to accommodate the widening of the road, steps must be taken by the State to acquire the land in accordance with law before undertaking the road widening exercise.</i> It is very settled law, even if any encroachment of the property, there should be an eviction from the land in accordance with law. Admittedly no notice was issued. There shall be an interim stay for a period of eight (08) weeks.	
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