

HIGH COURT OF ANDHRA PRADESH

MAIN CASE No: WRIT PETITION No.4593 of 2026

PROCEEDING SHEET

S. No	DATE	ORDER	
7.	19.08.2026	<u>RC, J</u> Learned counsel for the petitioner submitted that, while laying the road, the revenue authorities entered upon the petitioner's property without acquiring the same. In the case of <i>In Re Manoj Tibrewal Akash</i>¹, the Hon'ble Supreme Court has framed certain guidelines requiring a survey to be conducted to identify any encroachment and, where the authorities intend to lay a road beyond their existing land, to ascertain the extent of land required for such purpose. However, such procedure has not been followed in the present case. As such, prayed to direct the respondents to conduct a survey, taking into consideration the documents of the petitioner, to ascertain whether the existing road has encroached upon the petitioner's land. <i>In Re Manoj Tibrewal Akash</i>, the Hon'ble Supreme Court held that: "30. Before acting in pursuance of a road widening project, the State or its instrumentalities must: (i) Ascertain the existing width of the road in terms of official records/maps; (ii) Carry out a survey/demarcation to ascertain whether there is any encroachment on the existing road with reference to the existing records/maps;	

¹ 2024 SCC OnLine SC 3210

		(iii) If an encroachment is found, issue a proper, written notice to the encroachers to remove the encroachment; (iv) In the event that the notices 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; (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 (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”. Following the said principles, this Court directs respondent No.2-District Collector to get the subject land surveyed to ascertain whether any portion of the petitioner’s land has been taken over while laying the road and to file a report within a period of four (4) weeks. Post on 17.09.2026. Interim order granted earlier is extended for a further period of eight (8) weeks. RAVI CHEEMALAPATI, J	
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