

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)

TUESDAY, THE TWENTY FIFTH DAY OF MARCH
TWO THOUSAND AND TWENTY FIVE

:PRESENT:

THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY
WRIT PETITION NO: 7281 OF 2025



Between:

1. Kola Babu Rao, S/o.Tatabbai, aged about 57 years, Occ- business, R/O.D.NO.55-6-19F, Venkojipalem, H.B.Colony Visakhapatnam
2. Dokkara Lakshmi, W/o.Dokkara Eswara Rao, aged about 52 years, Occ- homemaker, R/o.D.No.2-24-25/1, Sector-6, M.V.P.Colony, Visakhapatnam
3. N. Sivaji Raju, S/o.Late Venkata Suryanarayana Raju aged about 56 years. Secretary, Simhadri Valley Residential Welfare Association, R/o.D.No.19-516, Darapalem, Visakhapatna

Petitioner

AND

1. The State of Andhra Pradesh, Represented by its Secretary to Government, Municipal Administration and Urban Development Department, Secretariat Buildings, Velagapudi, Amaravati.
2. The Greater Visakhapatnam Municipal Corporation, Represented by its Commissioner, Visakhapatnam.
3. The District Collector, Visakhapatnam District.
4. The Commissioner of Police, Visakhapatnam.
5. The Inspector of Police, Arilova Police Station, Visakhapatnam City.
6. M. Achyuta Rao, S/o.Chinna Somulu, aged about 60 years, R/o.Srikirshnapuram, Chinagadili Mandal, Visakhapatnam District.

Respondent

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the inaction of the respondents in removing the

illegal encroachment made by the 6th respondent on the public road/street leading to plot no.61 in Simhadri Valley layout and in not maintaining law and order in the area as illegal, unjust, unlawful and violative of the rights of the petitioners guaranteed under Articles 19 and 21 of the Constitution of India and consequently direct the respondents to maintain law and order in the area by removing the illegal encroachment made by the 6th respondent particularly on the public road/street leading to plot no.61 in Simhadri Valley layout .

IA NO: 1 OF 2025

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 direct the respondents 2 to 4 herein to consider the petitioners' representations dt.30.12.2024 & 21.02.2025, Pending disposal of WP 7281 of 2025, 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 upon hearing the arguments of Sri A VEERASWAMY Advocate for the Petitioner and of GP MUNCIPAL ADMN AND URBAN DEV AP for the Respondent No.1, Sri ASC BOSE, Standing counsel for Respondent NO.2, GP FOR HOME for Respondent Nos. 3 to 5 and the Court made the following.

ORDER

"The present Writ Petition is filed aggrieved by the inaction of the Respondents in removing the illegal encroachments made by the Respondent No.6 on the public road/street leading to Plot No.61 in Simhadri Vally Layout, Mudasarlova Village, Visakhapatnam Rural Mandal, Visakhapatnam District.

2. The Petitioners claim to have purchased Plot Nos. 59 and 61 in the approved Layout relating to Simhadri Valley Residential Welfare Association, which was approved vide Proceedings in IPLP2020/VSP/000175 dated 24.03.2022. While so, the Petitioners noticed that the Respondent No.6 was making construction by encroaching upon the Public Road/street leading towards Plot No.61. Though the Petitioners had brought the said fact to the notice of the Respondent Nos. 2 and 3 by way of Representation dated

30.12.2024, no action has been initiated. The Petitioner No.3 i.e., the Secretary, Simhadri Valley Residential Welfare Association, also made a representation dated 21.02.2025 to the Respondent No.4, however, the same is not being considered and hence, the present Writ Petition. ✓

3. The Standing Counsel submits they are yet to receive instructions.

4. Considering the complaint raised by the Petitioners with regard to encroachment of Public road/street leading towards Plot Nos. 59 and 61, the grievance of the Petitioners needs to be redressed at the earliest. ✓

5. In view of the facts and circumstances of the case, there shall be an interim direction to the Respondent Nos. 2 to 4 to consider the representations of the Petitioners dated 30.12.2024 and 21.02.2025 within a period of three weeks from today and inform the outcome of the same to the Petitioners. ✓

6. Post after four weeks." ✓

SD/- M.PRABHAKARA RAO
ASSISTANT REGISTRAR

//TRUE COPY//

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SECTION OFFICER

To,

1. The Principal Secretary, The State of Andhra Pradesh, Municipal Administration and Urban Development Department, Secretariat, Velagapudi, Amaravati, Guntur District. (by SPECIAL MESSENGER) ✓
2. The Commissioner, Greater Visakhapatnam Municipal Corporation, Visakhapatnam . ✓
3. The District Collector, Visakhapatnam District . ✓
4. The Commissioner of Police, Visakhapatnam . ✓
5. The Inspector of Police, Arilova Police Station, Visakhapatnam City (by RPAD) ✓
6. M. Achyuta Rao, S/o.Chinna Somulu, aged about 60 years, R/o.Srikirshnapuram, Chinagadili Mandal, Visakhapatnam District (noS. 2 to 6 by RPAD) ✓
7. One CC to SRI. A VEERASWAMY Advocate [OPUC] ✓
8. One CC to SRI. ASC BOSE, Standing counsel [OPUC] ✓
9. Two CCs to GP FOR HOME, High Court of A.P at Amaravathi. ✓
10. Two CCs to GP MUNICIPAL ADMN AND URBAN DEV AP, High Court Of Andhra Pradesh. [OUT] ✓
11. One spare copy

HIGH COURT

VN,J

DATED:25/03/2025

POST AFTER FOUR WEEKS

ORDER

WP.No.7281 of 2025

INTERIM DIRECTION

