

IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI
(Special Original Jurisdiction)

TUESDAY, THE SIXTH DAY OF MAY
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.N0.55-6-19F, 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.

...PETITIONERS

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.

...RESPONDENTS

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 writ 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 and pass appropriate orders forthwith, in the interests of justice.

**Counsel for the Petitioners : SRI P.A.N.V. RAVI TEJA FOR
SRI A. VEERASWAMY**

**Counsel for the Respondent No.1 : GP FOR MUNICIPAL ADMN AND
URBAN DEVELOPMENT**

**Counsel for the Respondent No.2 : SRI A.S.C. BOSE,
SC FOR GVMC**

Counsel for the Respondent Nos.3 to 5 : GP FOR HOME

Counsel for the Respondent No.6 : SRI C. SUBODH

The Court made the following: ORDER



IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)

[3460]

TUESDAY, THE SIXTH DAY OF MAY
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY

WRIT PETITION NO: 7281/2025

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(S)

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(S):

Counsel for the Petitioner(S):

- 1.A VEERASWAMY

Counsel for the Respondent(S):

- 1.GP FOR HOME
- 2.GP MUNICIPAL ADMN AND URBAN DEV AP

The Court made the following:

THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY

WRIT PETITION No.7281 of 2025

ORDER:

1. The present Writ Petition is filed to declare the action of the Respondents in not removing the illegal encroachment made by the Respondent No.6 on the public road/street leading to Plot No.61 located in Simhadri Valley Layout, Visakhapatnam, as illegal and arbitrary.
2. The Petitioners are the Members of Simhadri Valley Residential Welfare Association, which was registered with Registrar of Societies, Visakhapatnam vide Certificate of Registration No.421/2018, dated 19.06.2018. The Petitioners had purchased the Plot Nos.61 and 59 by way of a registered Sale Deeds dated 01.11.2019 and 20.09.2024 respectively vide documents bearing Nos.8108 of 2019 and 9929 of 2024. While so, in December, 2024, the Respondent No.6 along with his men tried to encroach upon the public road/street and attempted to raise a fence on the public road/street. Though this attempt was thwarted by the Petitioners, a representation was given on 29.12.2024 to the Respondent No.5 bringing to his notice the attempts being made by the Respondent

No.6. A similar representation was also given to the Respondent No.2 i.e. Commissioner, GVMC and to the Respondent No.3 i.e. District Collector, Visakhapatnam District. As these representations were not being considered, the present Writ Petition is filed.

3. Heard Mr. P.A.N.V. Ravi Teja, learned counsel representing M/s. A. Veeraswamy, learned counsel for the Petitioners and Sri A.S.C. Bose, learned Standing Counsel appearing for the GVMC.

4. This Court on 25.03.2025 passed an interim order directing the Respondent authorities to consider the representations of the Petitioners.

5. The learned Standing Counsel appearing for the Respondent-Corporation passed on the signed instructions of the Assistant City Planner, GVMC, Visakhapatnam, wherein it was mentioned that in the field inspection of the Town Planning staff along with the Town Surveyor, Zone-II, GVMC, it was observed that the Respondent No.6 along with his men was trying to encroach upon the public road/street leading towards Plot No.61 and raised a fence on the public road/street un-authorizedly. On the basis of the sale deeds submitted by the Petitioners, it has been found that the boundaries of the Petitioners are shown as road and forming part of approved layout proceedings IPLP2020/VSP/000175, dated 24.03.2022. It was

further mentioned that the Respondent No.1-Corporation had initiated action for removing the illegal encroachment by the Respondent No.6 with the assistance of Town Planning staff.

6. The learned counsel for the Petitioners agrees with the written instructions submitted by the Standing Counsel and submits that action was taken pursuant to the interim orders passed by this Court and illegal encroachments were removed.

7. In that view, no orders are required to be passed in this Writ Petition. Accordingly, the Writ Petition is closed, by placing the written instructions on record. No order as to costs.

As a sequel, pending applications, if any, shall stand closed.

//TRUE COPY//

Sd/- K.J.RAJA BABU
ASSISTANT REGISTRAR


SECTION OFFICER

To,

1. One CC to Sri A. Veeraswamy, Advocate [OPUC]
2. Two CCs to GP for Municipal Admn and Urban Development, High Court of Andhra Pradesh. [OUT]
3. Two CCs to GP for Home, High Court of Andhra Pradesh. [OUT]
4. One CC to Sri A.S.C. Bose, SC for GVMC (OPUC)
5. One CC to Sri C. Subodh, Advocate (OPUC)
6. Three C.D. Copies.

Cnr

HIGH COURT

DATED:06/05/2025

ORDER

WP.No.7281 of 2025



**CLOSING THE W.P.
WITHOUT COSTS**