

HIGH COURT OF ANDHRA PRADESH :: AMARAVATI

MAIN CASE NO: WRIT PETITION NO.13586 OF 2021

PROCEEDING SHEET

SL. NO.	DATE	ORDER	OFFICE NOTE
01	15.07.2021	<u>MSM,J</u> <u>W.P.No.13586 of 2021</u> The real dispute between the petitioner and Respondent No.5/National Highway Authority of India (NHAI) is regarding encroachment of land by either of them on ground. The petitioner contending that Respondent No.5/NHAI encroached his land, whereas, Respondent No.5 contending that, highways authority encroached the land of this petitioner in an Ac.0-61 cents out of an extent of Ac.4-09 cents in Sy.No.296-2B (old Survey No.243-2A) and Ac.1-70 cents in Survey No.296-1B (old Survey No.243-1A) of Kakkalipalli Village, Anantapur Mandal, Anantapur District. Therefore, such dispute cannot be decided by this Court, since it is a disputed question of fact. However, to put a quietus to the dispute, I find it appropriate to appoint an Advocate Commissioner to identify the encroachment by either the petitioner or Respondent No.5/NHAI, taking measurements on ground with reference to Field Measurement Book with the assistance of Mandal Surveyor, Anantapur. Sri P. Nagendra Babu, Advocate is appointed as an Advocate Commissioner to identify the actual encroachment made by either of the parties i.e. petitioner or Respondent No.5/NHAI on ground, based on Field Measurement Book with the assistance of Mandal Surveyor, Anantapur and submit a report to this Court along with rough sketch prepared by the Mandal Surveyor, identifying the encroachments, so as to take further action in the matter.	

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		Advocate Commissioner fees is fixed at Rs.10,000/- and traveling and other incidental expenses are payable by the petitioner. The Advocate Commissioner is requested to issue notice before execution of warrant to both petitioner and Respondent No.5/NHAI and obtain assistance of Mandal Surveyor through Respondent No.4/Tahsildar, Anantapuram Mandal, in advance; and submit a report to the Registry positively within four weeks. Registry is directed to supply a copy of this order to both sides. Till then, both parties are directed to maintain status quo as on today. Post after four weeks. MSM, J sp	