

**HIGH COURT OF ANDHRA PRADESH :: AMARAVATI**

**MAIN CASE No. WRIT PETITION NO.5642 OF 2017**

**PROCEEDING SHEET**

| <b>SL. NO.</b> | <b>DATE</b> | <b>ORDER</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <b>OFFICE NOTE</b> |
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|                | 13.02.2025  | <p><b><u>VS,J</u></b></p> <p>The grievance of the petitioner in filing this writ petition is that the respondent No.2 is not taking action against the respondent Nos.3 and 4 who are making illegal and unauthorized constructions on the 20 feet road and in the open space earmarked in the layout in L.P.No.98/61 in SY.No.107 of Annavarapupadu, Ongole, Prakasam District.</p> <p>Learned counsel for the petitioner relied on survey report 11.09.2014, conducted in layout L.P.No.98/61, as per the layout towards western side of the plot No.20, there is 20' feet road and in layout open space together 15' ft, 35X65 a house is constructed and on enquiry, the residents of the house informed that they are tenants and landlord collecting rents for every month. However, learned counsel for respondent Nos.3 and 4 objected the said survey report on the ground that respondent Nos.3 and 4 are no way concerned with the construction referred in the survey report dated 11.09.2014 and on the other hand, the said survey was conducted in their absence and requested for re-survey of the subject property.</p> <p>Having heard the respective counsel, this Court is of the considered opinion that it is appropriate and</p> |                    |

| SL. NO. | DATE | ORDER                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | OFFICE NOTE |
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|         |      | <p>necessary to appoint an Advocate-Commissioner to note down the physical features of the disputed land for proper adjudication of the case. The Advocate-Commissioner is directed to verify as to whether there is 20' feet road on the western side plot No.20 and whether a house is constructed in open space. Further, the town surveyor is directed to conduct re-survey, however, in the presence of the petitioner, respondent Nos.3 and 4 and Advocate Commissioner to be appointed by this Court.</p> <p>Learned Standing Counsel representing respondent No.2 shall intimate the Advocate-Commissioner the date of survey to be conducted by the Town Surveyor, on such information, the Advocate-Commissioner shall make it convenient to be present at the time of Survey.</p> <p>Learned counsel for the petitioner and learned counsel appearing for Respondent Nos.3 and 4 agreed for appointment of an Advocate Commissioner and learned counsel for the petitioner gave an undertaking that he will bear the expenses towards the Advocate Commissioner fee and other incidental expenses.</p> <p>Accordingly, the Advocate Commissioner is appointed with the following directions:</p> <p>(i) Mr. G.R. Sudhakar (8574), Flat No.204-B Block, Pine Woods Apartments, CSR Kalyanamandapam Road, Tadepalli, Guntur</p> |             |

| SL.<br>NO. | DATE | ORDER                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | OFFICE<br>NOTE |
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|            |      | <p>District (Mobile: 9849175958) is appointed as an Advocate Commissioner to note down the physical features of the disputed land.</p> <p>(ii) Learned Advocate Commissioner shall execute this warrant on or before 27.02.2025, after giving prior notice to the petitioner, unofficial respondents and also the affected parties, if any.</p> <p>(iii) The respondent No.2 is directed to provide assistance of the Town Surveyor for this purpose to the learned Advocate Commissioner;</p> <p>(iv) The Advocate Commissioner is directed to be present at the time of survey to be conducted by Town surveyor, along with the petitioner and respondent Nos.3 and 4.</p> <p>(v) Learned Advocate Commissioner shall submit his report before the next date of hearing;</p> <p>(vi) Learned Advocate Commissioner's fee is fixed at Rs.25,000/- (Rupees Twenty Five Thousands only) to be paid by the petitioner only;</p> |                |

| SL.<br>NO. | DATE | ORDER                                                                                                                                                                                                                                                                                                                           | OFFICE<br>NOTE |
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|            |      | <p>(vii) Registry is directed to serve copy of this order to the learned Advocate Commissioner by 14.02.2025.</p> <p>Respondent No.2 is also directed to file copy of the survey report by the next date of hearing.</p> <p>Post the matter on 27.02.2025.</p> <p style="text-align: right;">_____<br/><b>VS, J</b><br/>GSS</p> |                |

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