



IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI ✓

(SPECIAL ORIGINAL JURISDICTION) ✓

THURSDAY, THE THIRTEENTH DAY OF FEBRUARY, ✓

TWO THOUSAND AND TWENTY FIVE ✓

:PRESENT: ✓

THE HONOURABLE SMT JUSTICE V SUJATHA ✓

WRIT PETITION NO: 5642 OF 2017 ✓

Between:

Kasukurthi Venkateswarlu, S/o Kotaiah, aged about 67 years, R/o Flat No.301, Sarojinidevi Apartments, Santhapeta, Ongole, Prakasam District. ✓

Petitioner

AND

1. The State of Andhra Pradesh, M.A. & U.D. Department,, Secretariat Buildings, Secretariat, Velagapudi, Guntur District, Rep. by its Principal Secretary.
2. The Ongole Municipal Corporation, Ongole, Rep. by its Commissioner.
3. Ungarala Prabhakara Rao, S/o Kotaiah, aged about 60 years, D/o. 60-144 R/o Annavarapadu. Ongole, Prakasam District. ✓
4. Kommuri Krishna Chaitanya, S/o Murali Krishna, aged about 50 years, R/o D.No.50-1-144 (B), Anandarao Road, Ongole, Prakasam 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 action of the 2nd respondent in not taking action against the 3rd and 4th respondents in making illegal and unauthorized construction on 20'ft road and also on open space earmarked in a Layout It L.P.No.98/61 in Sy.No.107 of Annavarapupadu, Ongole, Prakasam District is illegal, arbitrary and consequently direct the 2nd respondent to remove the illegal and unauthorized construction made by the 3rd and 4th respondents on

the 20' ft road in Layout in LP.No.98/61 in Sy.No.107 of Annavarapupadu, Ongole, Prakasam District.

IA NO: 1 OF 2017

Petition under Section 151 CPC is filed praying that in the circumstances stated in the grounds filed in support of the petition, the High Court may be pleased to direct the 2nd respondent to take necessary steps forthwith pursuant to the Notice in Rc.No.7108/2014/G2, dated 28.1.2015 issued by the Assistant City Planner, Ongole Municipal Corporation against the 3rd and 4th respondents, Pending disposal of WP 5642 of 2017, 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 the earlier order of the High Court dated 21.02.2024 made herein and upon hearing the arguments of Sri V.V.N. Narayana Rao, Advocate for the Petitioner and M/s Koparthi Sumathi, Advocate for the Respondent No.2 and Sri A.S.C.Bose, Standing Counsel for the Respondent No.3 and Sri M.R.S.Srinivas, Standing Counsel for the Respondent No.4, the Court made the following;

ORDER:

“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.

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.

Having heard the respective counsel, this Court is of the considered opinion that it is appropriate and 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 resurvey, however, in the presence of the petitioner, respondent Nos.3 and 4 and Advocate Commissioner to be appointed by this Court.

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.

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.

Accordingly, the Advocate Commissioner is appointed with the following directions:

- (i) Mr. G.R. Sudhakar (8574), Flat No.204-B Block, Pine Woods Apartments, CSR Kalyanamandapam Road, Tadepalli, Guntur District (Mobile: 9849175958) is

appointed as an Advocate Commissioner to note down the physical features of the disputed land. ✓

- (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. ✓
- (iii) The respondent No.2 is directed to provide assistance of the Town Surveyor for this purpose to the learned Advocate Commissioner; ✓
- (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. ✓
- (v) Learned Advocate Commissioner shall submit his report before the next date of hearing; ✓
- (vi) Learned Advocate Commissioner's fee is fixed at Rs.25,000/- (Rupees Twenty Five Thousands only) to be paid by the petitioner only; ✓
- (vii) Registry is directed to serve copy of this order to the learned Advocate Commissioner by 14.02.2025. ✓

Respondent No.2 is also directed to file copy of the survey report by the next date of hearing. ✓

Post the matter on 27.02.2025."

//TRUE COPY//

SD/- M.PRABHAKARA RAO
ASSISTANT REGISTRAR

SECTION OFFICER

For

To,

1. The Principal Secretary, M.A.&U.D. Department, Secretariat Buildings, Secretariat, Velagapudi, Guntur District, State of Andhra Pradesh.
2. The Commissioner, Ongole Municipal Corporation, Ongole.

3. UngaralaPrabhakara Rao, S/o Kotaiah, aged about 60 years, D/o. 60-144 R/o Annavarapadu. Ongole,Prakasam District. ✓
4. Kommuri Krishna Chaitanya, S/o Murali Krishna, aged about 50 years, R/o D.No.50-1-144 (B),Anandarao Road,Ongole,Prakasam District. (Addressee Nos. 1 to 4 by **SPEED POST**) ✓
5. One CC to SRI. V V N NARAYANA RAO Advocate [OPUC] ✓
6. Two CCs to GP-MUNCIPAL ADMN AND URBAN DEV(AP) ,High Court Of Andhra Pradesh. [OUT] ✓
7. One CC to Sri G.R.Sudhakar, Advocate, Flat No.204-B Block, Pine Woods Apartments, CSR Kalyanamandapam Road, Tadepalli, Guntur District (Mobile 9849175958) ✓
8. One CC to M/s. Koparathi Sumathi, Advocate [OPUC] ✓
9. One CC to Sri A.S.C.Bose, Standing Counsel [OPUC] ✓
10. One CC to Sri M.R.S.Srinivas, Standing Counsel [OPUC] ✓
11. One spare copy

HIGH COURT

VS,J

DATED: 13/02/2025

POST THE MATTER ON 27.02.2025

ORDER

WP.No.5642 of 2017

DIRECTION





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

**THURSDAY, THE THIRTEENTH DAY OF FEBRUARY,
TWO THOUSAND AND TWENTY FIVE**

:PRESENT:

THE HONOURABLE SMT JUSTICE V SUJATHA

WRIT PETITION NO: 5642 OF 2017

Between:

KasukurthiVenkateswarlu, S/o Kotaiah, aged about 67 years, R/o Flat
No.301, Sarojinidevi Apartments, Santhapeta, Ongole, Prakasam District.

Petitioner

AND

1. The State of Andhra Pradesh, M.A. & U.D. Department,,
Secretariat Buildings, Secretariat, Velagapudi, Guntur District,
Rep. by its Principal Secretary.
2. The Ongole Municipal Corporation, Ongole, Rep. by its
Commissioner.
3. UngaralaPrabhakara Rao, S/o Kotaiah, aged about 60 years, D/o.
60-144 R/o Annavarapadu. Ongole, Prakasam District.
4. Kommuri Krishna Chaitanya, S/o Murali Krishna, aged about 50
years, R/o D.No.50-1-144 (B), Anandarao Road, Ongole, Prakasam
District.

Respondents

Whereas Petition under Section 226 of Constitution of India is
filed by Sri V.V.N.Narayana Rao praying that in the circumstances
stated in the affidavit filed in support of the writ petition, 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 action of the
2nd respondent in not taking action against the 3rd and 4th respondents in
making illegal and unauthorized construction on 20'ft road and also on

open space earmarked in a Layout It L.P.No.98/61 in Sy.No.107 of Annavarapupadu, Ongole, Prakasam District is illegal, arbitrary and consequently direct the 2nd respondent to remove the illegal and unauthorized construction made by the 3rd and 4th respondents on the 20' ft road in Layout in LP.No.98/61 in Sy.No.107 of Annavarapupadu, Ongole, Prakasam District.

Whereas the Court, upon perusing the Petition and the Affidavit filed in support thereof and upon hearing the arguments of Sri V.V.N. Narayana Rao, Advocate for the Petitioner and M/s Koparthi Sumathi, Advocate for the Respondent No.2 and Sri A.S.C.Bose, Standing Counsel for the Respondent No.3 and Sri M.R.S.Srinivas, Standing Counsel for the Respondent No.4 here by appoint Mr. G.R. Sudhakar, as Advocate Commissioner to note down the physical features of the disputed land for proper adjudication of the case;

Therefore You Viz;

Sri G.R.Sudhakar, Advocate, Flat No.204-B Block, Pine Woods Apartments, CSR Kalyanamandapam Road, Tadepalli, Guntur District (Mobile 9849175958)

are here by appointed as Advocate Commissioner to note down the physical features of the disputed land.

you are 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

you are further informed that the town surveyor is directed to conduct resurvey in presence of petitioner, Respondent Nos.3 & 4 in your presence and the Respondent No.2 is directed to provide assistance of town surveyor for this purpose to you.

You are directed to 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.

You are directed to submit a report before this Court in the next date of hearing i.e., on 27.02.2025.

You are informed that your fee for this purpose is fixed at Rs.25,000/- (Rupees Twenty Five Thousand only) to be paid by the petitioner only.

Sd/- M.Prabakar Rao
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. Sri G.R.Sudhakar, Advocate, Flat No.204-B Block, Pine Woods Apartments, CSR Kalyanamandapam Road, Tadepalli, Guntur District (Mobile 9849175958) (BY SPECIAL MESSENGER- along with copy of petition & affidavit and all material papers)
2. One spare copy

HIGH COURT

VS,J

DATED: 13/02/2025

POST THE MATTER ON 27.02.2025

ORDER

WP.No.5642 of 2017

ADVOCATE COMMISSIONER

