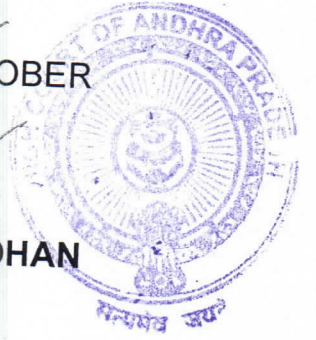


IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)

WEDNESDAY, THE TWENTY THIRD DAY OF OCTOBER
TWO THOUSAND AND TWENTY FOUR

:PRESENT:

THE HONOURABLE SRI JUSTICE B KRISHNA MOHAN
WRIT PETITION NO: 24031 OF 2024



Between:

Shaik Gapoor, S/o Lal Saheb, Aged 57 years, R/o H.No.6-135,
Tadepalligudem Road, Koyyalagudem, West Godavari District.

Petitioner

AND

1. The State of Andhra Pradesh, through its Principal Secretary to Government, Department of Roads and Buildings, Secretariat, Velagapudi, Amaravati, Guntur District.
2. The Deputy Executive Engineer (R and B), R and B Sub-Division, Jangareddygudem, Eluru (erstwhile West Godavari) District.
3. Parimpudi Gram Panchayat, represented by its Secretary, Parimpudi, Koyyalagudem Mandal, Eluru (erstwhile West Godavari) District.

Respondents

Petition under Article 226 of the Constitution of India is filed praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of the respondents in issuing notice in R.C NO.46/2024 dated 16/10/2024 by the 3rd respondent directing the petitioner to remove the alleged encroachments within 15 days in respect of the shops and the structures existing in the property situated in an extent of Ac. 0.09 1/4 cents covered by Sy.No.325/1 of Parimpudi Village and Panchayat, Koyyalagudem Mandal, Eluru (Erstwhile West Godavari) District, without considering the explanation dated 03/08/2024 submitted to the Show Cause Notice in R.C.No.33/2024 dated 18/07/2024 at

least without even referring to the same, without conducting proper survey as per the orders of this Honourable Court in earlier writ petitions Number 23999/2021, 10239/2023 and 12792/2024 and in contemplating to demolish the structures which were constructed vide valid building permit B.L.R.No.1132209B91 dated 04/02/2019 sanctioned by the 3rd respondent, as illegal, arbitrary, malafide, against the principles of Natural Justice besides violation of Constitutional Guarantees and to consequently direct the respondents not to demolish nor interfere with the peaceful possession and enjoyment of the petitioner over the said property in any manner.

IA NO: 1 OF 2024 :

Petition under Section 151 of CPC is filed praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to pass an interim direction against the respondents not to interfere with the possession and enjoyment of the petitioner in respect of the shops and the structures existing in the property situated in an extent of Ac. 0.09 1/4 cents covered by Sy.No.325/1 of Parimpudi Village and Panchayat, Koyyalagudem Mandal, Eluru (Erstwhile West Godavari) District, in any manner including demolition and dispossession by suspending the Notice in R.C NO.46/2024 dated 16/10/2024 issued by the 3rd respondent, Pending disposal of WP 24031 of 2024, 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 K JYOTHI PRASAD Advocate for the Petitioner and of GP FOR ROADS & BUILDINGS for the Respondent Nos.1 & 2 and of SRI Y.KOTESWAR RAO, Standing Counsel for the Respondent No.3, the Court made the following

ORDER:

“Heard the learned counsel for the petitioner.

The learned Standing Counsel for the 3rd respondent seeks time to file counter affidavit.

This writ petition is filed questioning the removal encroachment notice dated 16.10.2024 issued by the 3rd respondent.

The learned counsel for the petitioner submits that though it is styled as notice virtually, the 3rd respondent has decided the issue as if there is an encroachment made by the petitioner and as such it is directed to be removed within 15 days from the date of receipt of the said notice.

On the other hand, the learned Assistant Government Pleader relying upon the written instructions dated 23.10.2024 submits that the petitioner successively filed earlier writ petitions on similar lines and pursuant to the directions of this Hon'ble Court in the earlier writ petitions to conduct survey, the survey was conducted by the authorities concerned in the presence of the petitioner's representatives with respect to the subject site and it is found that there is an encroachment by way of constructing the shops in the government land by the petitioner and he is collecting the monthly rents unlawfully.

Ms. Kalla Tulasi Durgamba, the learned counsel submits that she filed caveat in this matter and his client is also necessary party in this writ petition, hence sought time to file implead application in this writ petition in order to decide this matter finally.

The counters of the respondents are required and as such the matter is kept pending for filing counters by the respondents before the next date of hearing.

List on 20.11.2024.

In the meanwhile, there shall be an order of *status quo* as on today to be maintained with respect to the subject constructions covered under the impugned removal encroachment notice dated 16.10.2024 till the next date of hearing.

Print the name of the learned Standing Counsel for the 3rd respondent."

Sd/- K. J. RAJA BABU
ASSISTANT REGISTRAR

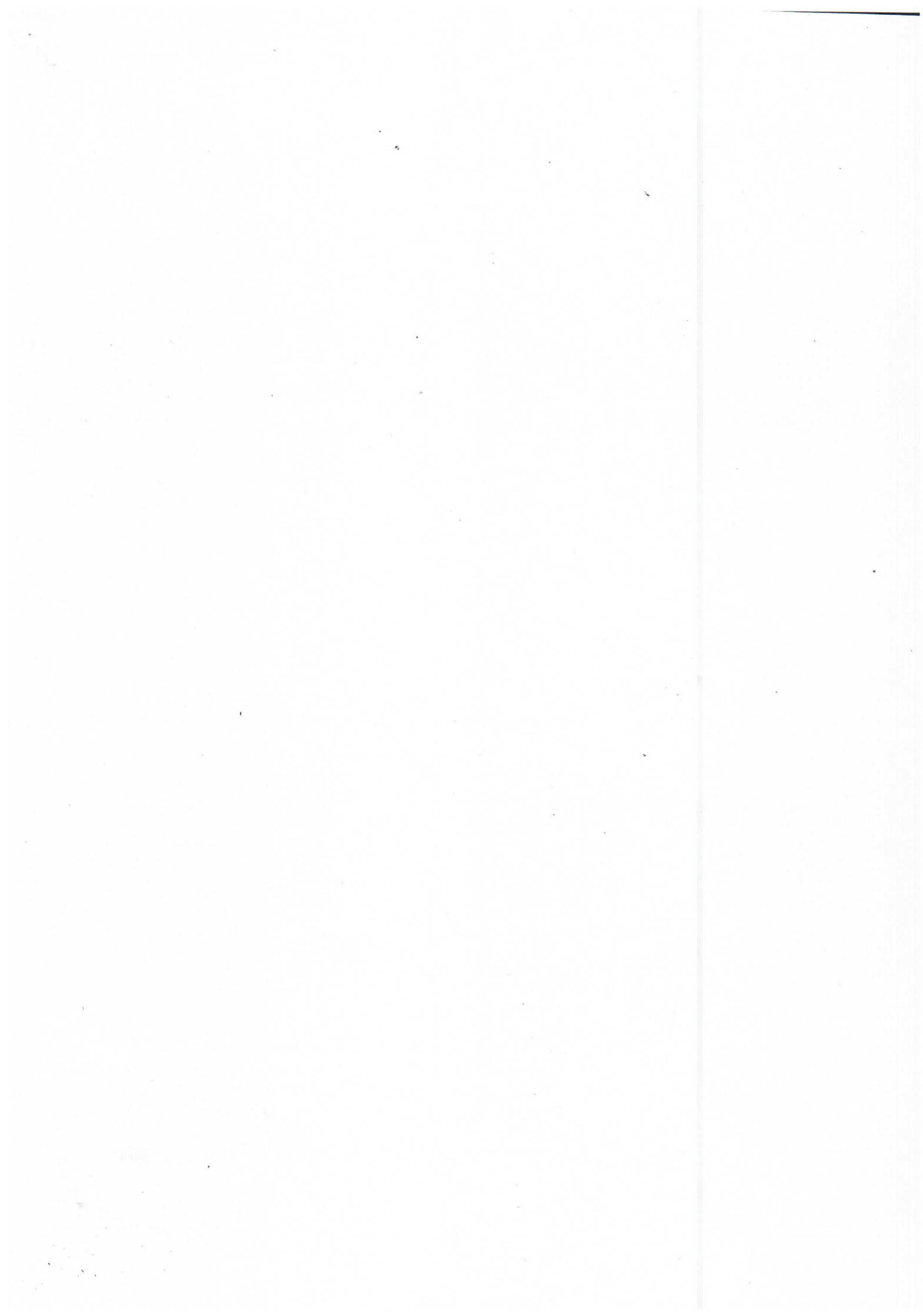
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SECTION OFFICER

To,

1. The Principal Secretary to Government, Department of Roads and Buildings, State of Andhra Pradesh, Secretariat, Velagapudi, Amaravati, Guntur District. [by SPL. MESSENGER]
2. The Deputy Executive Engineer (R & B), R & B Sub-Division, Jangareddygudem, Eluru (erstwhile West Godavari) District.
3. The Secretary, Parimpudi Gram Panchayat, Parimpudi, Koyyalagudem Mandal, Eluru (erstwhile West Godavari) District. (2 & 3 by RPAD)
4. One CC to SRI. K JYOTHI PRASAD Advocate [OPUC]
5. Two CCs to GP FOR ROADS & BUILDINGS, High Court of Andhra Pradesh. [OUT]
6. One CC to SRI Y.KOTESWAR RAO, Standing Counsel. [OPUC]
7. One spare copy *one cc to Hg. Kalla Tulasi Durgamba, Advocate (opve)*

ER



HIGH COURT

BKM, J

DATED:23/10/2024

LIST ON 20.11.2024

ORDER

WP.No.24031 of 2024

STATUS QUO

