



IN THE HIGH COURT OF ANDHRA PRADESH: AT AMARAVATI

(Special Original Jurisdiction)

TUESDAY, THE ELEVENTH DAY OF JULY
TWO THOUSAND AND TWENTY THREE

:PRESENT:

THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO: 11577 OF 2023

Between:

T Chandra Mohan Reddy, S/o Vema Reddy, Aged about 44 years, Occ. Agriculture,
R/o.Arikela Village, Ramasamudram Mandal, Annamaiah District.

Petitioner

AND

1. The State of Andhra Pradesh, Rep. By its Principal Secretary, School Education, Secretariat, Velagapudi, Guntur District.
2. The District Collector, Annamaiah, Annamaiah District.
3. The Chief Executive Officer, ZP, Chittoor, Chittoor District.
4. The District Educational Officer, Rayachoti, Annamaiah District.
5. The Deputy Educational Officer, Madanapalli, Annamaiah District.
6. The Tahsildar, Ramasamudram Mandal, Annamaiah District.
7. The Mandal Educational Officer, Ramasamudram Mandal, Annamaiah District.
8. The Head Master, ZPP high School, Arikela Village, Ramasamudram Mandal, Annamaiah District.
9. C. Raghunatha Reddy, S/o C. Obul Reddy, Arikela Village, Ramasamudram Mandal, Annamaiah 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 an appropriate Writ, Order or Direction, more particularly one in the nature of 'Writ of Mandamus' declaring inaction of the respondent officers 2 to 8 not to consider the petitioner representation, dated 4.3.2023 and the 9th respondent occupied the School premises land an extent of Ac0-77 cents in Sy.no.246/1 and an extent of Ac0-60 cents in Sy.No. 247/4 situated at Arikela Village, Ramasamudram Mandal, Annamaiah District illegal occupy the said premises by the 8th respondent to construction building as illegal, arbitrary and violation of Principal of Natural Justice and violation of Articles 14, 21 of Constitution of India and consequently the Respondent Nos. 2 to 8 to prevent the 9th respondent from making any Constructions over the illegal in the above said subject property to resume land an extent of Ac.0-77 cents in Sy.no.246/1 and an extent of Ac.0-60 cents in Sy.No. 247/4 from the 9th respondent in accordance with law.

IA NO: 1 OF 2023

Petition under Section 151 CPC is filed 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 No.2 to 8 to consider representations of the petitioner dated 4th March, 2023, thereby further direct to take an action in accordance with law to prevent the construction in School premises land an extent of Ac.0-77 cents in Sy.no.246/1 and an extent of Ac.0-60 cents in Sy.No. 247/4 situated at Arikela Village, Ramasamudram Mandal, Annamaiah District made by the 9th respondent in the above subject land, pending disposal of the Writ Petition No.11577 of 2023, 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.P.V.Venkata Ravi Sankar Advocate for the Petitioner, Sri L.V.S.Naga Raju, learned Government Pleader for School Education for Respondent Nos.1 to 5, 7 & 8 and of learned Government Pleader for Revenue for Respondent No.6 the Court made the following.

ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for School Education.

Learned counsel for the petitioner states that Respondent No.9 herein is proceeding with the construction within the land of the school premises which was donated by the forefathers of the petitioner herein. Even though he submitted representations to the respondents herein for preventing unauthorized construction/occupation of the said building in school premises, there was no response from the official respondents and such illegal encroachment or occupation of the school premises by respondents is illegal, as it is making the children of the school without any play ground.

On the other hand, learned Government Pleader for School Education submitted written instructions of the District Education Officer, Rayachoty, Annamayya District, dated 21.06.2023, wherein it is stated that, on the entire issue with reference to the report of the Tahasildhar, Ramasamudram Mandal, Annamayya District it is clearly evident that, the petitioner contention that Respondent No.9 occupied the land in Survey No.246/1 with an extent of Acres 0.77 cents is not correct and it is not encroached by Respondent No.9

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i.e.C.Raghunatha Reddy, S/o. C.Obulreddy, Arikela Village, Ramasamudram Mandal, as the said land was gifted in favour of the District Educational Officer and Zilla Parishad, Chittoor for the purpose of construction of Arikela ZP High School by Sri T. Chenga Reddy, S/o.C.Ramireddy vide Document No.4095/1996, dated 04.10.1986, SRO, Punganur. Learned Government Pleader for School Education further stated that no encroachment is made by any person as alleged, more particularly, Respondent No.9.

The said contention of the learned Government Pleader for School Education was disputed by the learned counsel for the petitioner.

Having heard the respective counsel and in the considered opinion of this Court, it is appropriate and necessary to appoint an Advocate Commissioner to find out the fact as to "whether Respondent No.9 is really carrying on with the constructions within premises or land belonging to the school which was donated by the forefathers of the petitioner in an extent of Acres 0.77 Cents in Survey No.246/1 and Acres 0.60 Cents in Survey No.247/4 situated at Arikela Village, Ramasundaram Mandal, Annamayya District" for proper adjudication of this case, in the interest of justice.

Learned counsel for the petitioner and learned counsel appearing for Respondent No.9 agreed for appointment of an Advocate Commissioner and gave undertaking that, the petitioner will bear the expenses towards the Advocate Commissioner fee and other incidental expenses, if any.

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

- (i) Sri G. Naveen, Advocate, D.No.54-20/9-9B, Doyen Chambers, 3rd Floor, Timmarasu Street, Srinagar Colony, Bharathi Nagar, Vijayawada, Krishna District (Mobile:9666515550) is appointed as an Advocate Commissioner to note down whether Respondent No.9 has encroached or made any construction in the land belonging to the School ?

- (ii) Respondent Nos.6 and 7 are directed to provide assistance of the Mandal Surveyor for this purpose to the learned Advocate Commissioner;
- (iii) Learned Advocate Commissioner shall execute this warrant on or before 08.08.2023, after giving prior notice to the petitioner and respondents.
- (iv) Learned Advocate Commissioner shall submit his report on or before 08.08.2023;
- (v) Learned Advocate Commissioner's fee is fixed at Rs.25,000/- (Rupees Twenty Five Thousands only) to be paid by the petitioner only;
- (vi) The petitioner shall provide a good conditioned car for comfortable transportation of the learned Advocate Commissioner on the date of executing warrant.
- (vii) The petitioner has to bear all other incidental expenses to be incurred by the learned Advocate Commissioner.
- (viii) Registry is directed to serve copy of this order to the learned Advocate Commissioner by 14.07.2023.

Post the matter on 08.08.2023.

SD/-U.SRIDEVI
ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To,

1. The Principal Secretary, School Education, State of Andhra Pradesh, Secretariat, Velagapudi, Guntur District.
2. The District Collector, Annamaiah, Annamaiah District.
3. The Chief Executive Officer, ZP, Chittoor, Chittoor District.
4. The District Educational Officer, Rayachoti, Annamaiah District.
5. The Deputy Educational Officer, Madanapalli, Annamaiah District.
6. The Tahsildar, Ramasamudram Mandal, Annamaiah District.
7. The Mandal Educational Officer, Ramasamudram Mandal, Annamaiah District.
8. The Head Master, ZPP high School, Arikela Village, Ramasamudram Mandal, Annamaiah District.
9. C. Raghunatha Reddy, S/o C. Obul Reddy, Arikela Village, Ramasamudram Mandal, Annamaiah District. (1 to 9 by RPAD)

10. One CC to SRI.P.V.VENKATA RAVI SANKAR and Dr. P.B Reddy Advocate
[OPUC]

11. Two CCs to GP for School Education, High Court Of Andhra Pradesh. [OUT]

12. Two CCs to GP for Revenue, High Court Of Andhra Pradesh. [OUT]

13. Sri G.Naveen, Advocate Commissioner, High Court of Andhra Pradesh
(OPUC)

14. One spare copy

SRL

HIGH COURT

NVJ

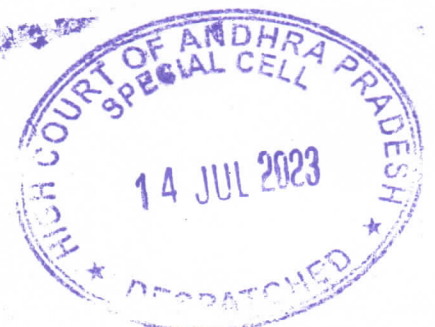
DATED:11/07/2023

NOTE: POST THE MATTER ON 08.08.2023

ORDER

WP.No.11577 of 2023

DIRECTION





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

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TWO THOUSAND AND TWENTY THREE

:PRESENT:

THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

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Rio Arikela Village, Ramasamudram Mandal, Annamaiah District.

Petitioner

AND

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Respondents

Where as 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 an appropriate Writ, Order or Direction, more particularly one in the nature of 'Writ of Mandamus' declaring inaction of the respondent officers 2 to 8 not to consider the petitioner representation, dated 4.3.2023 and the 9th respondent occupied the School premises land an extent of Ac0-77 cents in Sy.no.246/1 and an extent of Ac.0-60 cents in Sy.No. 247/4 situated at Arikela Village, Ramasamudram Mandal, Annamaiah District illegal occupy the said premises by the 8th respondent to construction building as illegal, arbitrary and violation of Principal of Natural Justice and violation of Articles 14, 21 of Constitution of India and consequently the Respondent No. 2 to 8 to prevent the 9th respondent from making any Constructions over the illegal in the above said subject property to resume land an extent of Ac.0-77 cents in Sy.no.246/1 and an extent of Ac.0-60 cents in Sy.No. 247/4 from the 9th respondent in accordance with law

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And Whereas the court upon perusing the petition and the affidavit filed in support thereof upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri.P.V.Venkata Ravi Sankar Advocate for the Petitioner, Sri L.V.S.Naga Raju, learned Government Pleader for School Education for Respondent Nos.1 to 5, 7 & 8 and of learned Government Pleader for Revenue for Respondent No.6, appointed Sri.G.Naveen, learned Advocate as an Advocate Commissioner to note down whether Respondent No.9 has encroached or made any construction in the land belong to the School.

Therefore You Viz;

Sri G.Naveen, Advocate Commissioner, High Court of Andhra Pradesh

are hereby appointed as an Advocate Commissioner to note down whether Respondent No.9 has encroached or made any construction in the land belonging to the School and submit his report on Tuesday i.e., on 08.08.2023 in the presence of Official Respondents as well as the writ Petitioner.

You are informed that the respondents 6 & 7 shall provide assistance of the Mandal Surveyor for this purpose to you.

You are directed to execute this warrant on or before 08.08.2023 after giving prior notice to the petitioner and respondents.

You are informed that your fee for this purpose is fixed at 25,000/- (Rupees Twenty Five Thousand only) to be paid by the petitioner only, the petitioner shall provide a good conditioned car for comfortable transportation to you on the date of executing the warrant and he has to bear all other incidental expenses to be incurred by you.

You are directed to submit report on or before 08.08.2023 to which date the case stands posted.

//TRUE COPY//

SD/-U.SRIDEVI
ASSISTANT REGISTRAR

For ASSISTANT REGISTRAR

To,

1. Sri G.Naveen, Advocate Commissioner, High Court of Andhra Pradesh (**by Special Messenger along with copy of petition and material papers**)
2. One spare copy

SRL

HIGH COURT

NVJ

DATED:11.07.2023

POST THE MATTER ON 08.08.2023

ORDER

WP.No.11577 of 2023

APPOINTMENT OF ADVOCATE COMMISSIONER

