

IN THE HIGH COURT OF ANDHRA PRADESH: AMARAVATI

HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

WRIT PETITION No.1431 of 2023

Lakkidapu Appalla Konda, D/o Karu Syanyasi, aged about 52 years, R/o D.No.1, SC Colony, Bogguladibba, Cantonment Area, Vizianagaram Municipal Corporation, Vizianagaram District at Vizianagaram and 17 others.

... Petitioners

Versus

The State of Andhra Pradesh, Rep. by its Principal Secretary to Government, Department of Municipal Administration, Secretariat, Velagapudi, Amaravati, Guntur District and three others.

... Respondents

Counsel for the petitioner : Sri M. Lakshmi Narayana

Counsel for respondents : GP for Municipal Administration and Urban Development; and Sri M. Manohar Reddy, learned standing counsel.

:: ORDER ::

Petitioners eighteen in number filed the above writ petition complaining dispossession from their houses in survey No.612/P of Bogguladibba, Cantonment Area, Vizianagaram Municipal Corporation, Vizianagaram District.

2. In the affidavit it was contended that petitioners have been residing in survey No.612/P of Bogguladibba, Cantonment Area, Vizianagaram Municipal District, since more than three decades. Possession certificates were issued in favour of the petitioners and they have been paying house tax to the local authorities. Petitioners also obtained electricity connection. While things stood thus, respondent No.3 is trying to interfere with the petitioners' possession, without issuing any notice. Hence, the writ petition.

3. Counter affidavit was filed on behalf of respondent No.3. It was specifically contended in para No.8 of the counter affidavit that the petitioners encroached public road and respondent No.3 is empowered to remove such encroachers without issuing any notice under Section 405 of the A.P. Municipal Corporation Act. Some of the encroachers are making hectic efforts to make further constructions. Out of eighteen encroachers, 14 persons have been provided with alternative accommodation under Government schemes. Petitioners encroached road margin of sixty feet road and the present width of the road is 20 feet. Eventually, prayed to dismiss the writ petition.

4. Petitioners filed rejoinder, disputing the counter averments and stated that alternative accommodation is not suitable for living.

5. Heard Sri M. Lakshmi Narayana, learned counsel for the petitioners and Sri G. Naresh Kumar, learned counsel representing Sri M. Manohar Reddy, learned standing counsel for respondent No.3.

6. As seen from the material on record, there is no dispute that petitioners have been residing in houses/huts in survey No.612/P of Bogguladibba, Cantonment Area, Vizianagaram Municipal Corporation, Vizianagaram District. In the counter affidavit filed by respondent No.3, it was specifically contended that petitioners encroached upon 60 feet of road margin. In fact, it was also specifically stated that out of 18 encroachers, 14 persons were provided alternative accommodation for which rejoinder was filed by the petitioners stating that alternative accommodation is not suitable for living. This Court is not adjudicating the issue as to whether the alternative accommodation provided is suitable or not in this writ petition.

7. Thus, as seen from the pleadings, there is no dispute as to the petitioners' residence in S.No. 612/P of Bogguladibba, Cantonment Area, Vizianagaram Municipal Corporation, Vizianagaram District. If the petitioners encroached road margin and made constructions and if the same is objectionable, the authority concerned shall take steps in accordance with law. Without following due process, the authorities shall not interfere with the petitioners' possession.

8. With the above direction, this writ petition is disposed of. No costs.

As a sequel, pending miscellaneous petitions, if any, shall stand closed.

JUSTICE SUBBA REDDY SATTI

Date : 31.10.2023
ikn

118

IN THE HIGH COURT OF ANDHRA PRADESH: AMARAVATI

HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

WRIT PETITION No.1431 of 2023

Date : 31.10.2023

ikn