

IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI

THE HON'BLE SRI JUSTICE NINALA JAYASURYA

WRIT PETITION No.19542 OF 2023

Between:-

M. Gyanamgari Polaiah Petitioner

And

The State of Andhra Pradesh,
Rep. by its Principal Secretary,
Revenue Department,
Secretariat Buildings, Velagapudi,
Guntur District and 4 others

.... Respondents

Counsel for the petitioner : Mr. D.S. Sivadarshan

Counsel for R.1 to R.4 : The G.P. for Revenue

Counsel for the R.5 : ----

ORDER:

Heard learned counsel for the petitioner. Also heard learned Assistant Government Pleader for Revenue appearing for respondent Nos.1 to 4.

2. The present Writ Petition is filed to declare the inaction of the respondents 1 to 4 regarding the illegal encroachment of the respondent No.5 on the Government land located at Sy.No.261 in Rachagunneri Revenue Village, Srikalahasthi Mandal, Tirupathi District., as illegal, arbitrary, etc., and for consequential direction to respondents 1 to 4 to forthwith remove the illegal encroachment on

the subject property and take necessary legal action against the respondent No.5.

3. The learned counsel for the petitioner, while referring to the averments made in the Writ Petition, *inter alia* submits petitioner is a resident of Rachagunneri Revenue Village. He submits that petitioner and other villagers' use the subject matter Government Land, which is classified as "Pashuvula Metha" for grazing their cows and etc. While that being the position, the learned counsel submits that the 5th respondent without any permission had encroached upon the said Government land for doing his business activities and exploiting the same and thereby contaminating it with industrial waste. The learned counsel submits that when the petitioner and other villagers complained about the illegal encroachment of land by the 5th respondent, no action has been taken by the respondent-authorities. He further submits that the petitioner made a representation dated 09.06.2023 to the 2nd respondent by setting all the details along with photographs, however, no action has been taken so far and the 5th respondent is continuing the illegal occupation of Government land for his business activities. He submits that under the above circumstances, the petitioner is constrained to file the present Writ Petition for appropriate directions.

4. Considering the submissions made, this Court, without going into the merits of the case, deems it appropriate to dispose of the Writ Petition, in the light of the directions of Hon'ble Division Bench of this Court in Writ Petition (PIL) No.140 of 2022 & batch, dated 14.9.2022. The order of the Hon'ble Division Bench, which is relevant in the present context, reads as follows:

(i) The executive authority, i.e., Panchayat Secretary, of the respective Gram Panchayats in the State shall identify the Gram Panchayat lands, which are unauthorizedly occupied/ encroached, and take steps for removal of such encroachments by issuing notice and providing opportunity of hearing to the unauthorized occupants/encroachers in terms of the procedure prescribed in Rules of 2011. This complete exercise shall be done within a period of six months from today.

(ii) So far as the encroachments over the lands concerning the Municipalities/Forest Department/ Revenue Department are concerned, even if no separate Rules have been framed prescribing the procedure to be followed in the matter of removal of encroachments over those lands, the officials of the concerned Departments, i.e., the Departments of Municipal Administration, Forest and Revenue, shall also undertake and complete the exercise of identification of unauthorized occupations/ encroachments over the lands belonging to their respective Departments, within a period of two months from today, and thereafter, take steps for removal of such encroachments by following the principles of natural justice, i.e., issuing notice and providing opportunity of hearing to the unauthorized occupants/encroachers, within a further period of four months.

5. The directions of the Hon'ble Division Bench are binding and the 2nd respondent shall therefore look into the matter and take necessary action on the petitioner's representation dated 09.06.2023,

as expeditiously as possible, in accordance with Law and ensure the implementation of the above referred directions by providing opportunity to the 5th respondent.

No order as to costs. As a sequel, miscellaneous petitions pending, if any, shall stand closed.

NINALA JAYASURYA, J

August 24, 2023.

GVK