

**HIGH COURT OF ANDHRA PRADESH AT AMARAVATHI**

**MAIN CASE: W.P.No.20467 of 2023**

**PROCEEDING SHEET**

| Sl.No. | DATE       | ORDER                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Office Note |
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| 1.     | 10.08.2023 | <p><b><u>BKM, J</u></b></p> <p>Heard the learned counsel for the petitioner.</p> <p>The learned Government Pleader for Municipal Administration takes notice for the respondent No.1.</p> <p>The learned Standing Counsel takes notice for the respondent Nos.2 to 4.</p> <p>Office is directed to print the name of Sri M. Manohar Reddy, the learned Standing Counsel for the respondent Nos.2 to 4.</p> <p>This writ petition is filed questioning the final orders issued by the 2<sup>nd</sup> respondent dated 01.08.2023 received by the petitioner on 08.02.2023.</p> <p>The learned counsel for the petitioner submits that, the petitioner purchased the Plot Nos.417 and 427 in the year 1994 and 1996 respectively from the original assignees who were given residential plots with certain terms and conditions by the then Tahsildar, Guntur. While so, when there was a notice issued in the</p> |             |

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|  |  | <p>name of the son of the petitioner, the petitioner filed W.P.No.3110 of 2023, wherein, this Hon'ble Court directed the petitioner to give representation to the 2<sup>nd</sup> respondent for passing appropriate orders. Accordingly, the representation was submitted. Under the guise of implementation of the orders of the Hon'ble High Court in W.P.No.3110 of 2023 dated 08.02.2023, the impugned order has been passed by the 2<sup>nd</sup> respondent stating that, by virtue of the orders of this Hon'ble High Court in W.P.(PIL).No.108 of 2022 dated 20.10.2022, the illegal encroachments are removed from the Government lands. Accordingly, the ACC shed situated in the Government land was removed which is in the open space. But so far as the Plot Nos.417 and 427 are concerned, which are in possession of the petitioner, they have not been disturbed. Similarly, the another illegal encroachment made by one Mr. T. Krishnamurthy, raising ACC shed in the Government land was also removed for the purpose of developing the Government land situated adjoining to the plots of the petitioners. Thus the impugned order of the 2<sup>nd</sup> respondent speaks about. Aggrieved by the said final orders, this writ petition is filed contending that, the petitioner is in absolute possession of</p> |  |
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|  |  | <p>the open site belonging to the Government, for which, the appropriate authority would be the Revenue Department but not the Municipal Corporation to take any action. The Corporation, if at all wants to establish its right it should have approached the Civil Court seeking for such declaration. Without considering the points raised by the petitioner in her representation, the impugned order has been passed by the 2<sup>nd</sup> respondent-Corporation.</p> <p>On the other hand, the learned Standing Counsel seeks time to file counter affidavit on behalf of the respondent Nos.2 to 4.</p> <p>In view of the above said facts and circumstances, since there is no dispossession of the petitioner in respect of the Plot Nos.417 and 427, no interim order can be passed at this stage with regard to the other adjacent land if any exists, claimed to be in adverse possession of the petitioner, without giving any opportunity for the respondents to file their counters.</p> <p>However, it is made clear that, any activity with respect to the other adjacent land, the same is subject to outcome of the further orders in this writ petition.</p> <p>At the same time, it does not also preclude for the petitioner to avail appropriate remedies under law for the establishment of</p> |  |
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|  |  | <p>adverse possession over the adjacent land as claimed by the petitioner.</p> <p>List on 31.08.2023.</p> <p>In the meanwhile, the respondents shall file their counters.</p> <p><i>PGT</i></p> <p><b>BKM, J</b></p> |  |
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