

**HIGH COURT OF ANDHRA PRADESH :: AMARAVATI****MAIN CASE No: CMA.No.104 of 2023****PROCEEDING SHEET**

<b>SL. NO.</b>	<b>DATE</b>	<b>ORDER</b>	<b>OFFICE NOTE</b>
1.	20.03.2023	<p><b><u>DVSS, J &amp; SV,J</u></b></p> <p>After hearing the learned counsel for the appellant, this Court notices that of all the points made, one issue deserves consideration. The trial Court relied upon the order passed in W.P.No.15418 of 2022 to hold that constructions being made are not illegal constructions, since there is an order by this Court. However in the affidavit filed in support of the interlocutory application, it is clearly avoid that this writ petition has been withdrawn but the construction was continued. This aspect is not noticed by the Trial Court. The suit also contains a prayer for mandatory injunction for removal of the construction already made.</p> <p>Learned counsel for the appellant argues that construction is not completed and that when the suit is filed, construction was at a preliminary stage.</p> <p>To ascertain this issue, this court is of the opinion that an Advocate Commissioner is to be appointed to inspect the suit schedule property and also the current stage of construction.</p> <p>Sri P. Sai Surya Teja, learned Advocate is appointed as an advocate commissioner and</p>	

SL. NO.	DATE	ORDER	OFFICE NOTE
		<p>his fee is fixed tentatively at Rs.20,000/-. He is directed to inspect the suit schedule property and file a detailed report along with photographs. The inspection should be confined to the constructions that are made in the plaint schedule property.</p> <p>List on 31.03.2023.</p> <p>In the meanwhile, learned counsel for the appellant is permitted to take out personal notice to respondent Nos.1 to 3 by RPAD and file proof of service in the Registry.</p> <p>Advocate commissioner is also given liberty to serve notice on respondent Nos.1 to 3 before execution of warrant.</p> <p style="text-align: right;">_____ <b>DVSS,J</b></p> <p style="text-align: right;">_____ <b>SV,J</b></p> <p>AG</p>	