

IN THE HIGH COURT OF ANDHRA PRADESH: AMARAVATI

THE HON'BLE SRI JUSTICE SUBBA REDDY SATTI

WRIT PETITION No.9951 of 2020

Bandaru Rambabu, S/o. Sanyasi
Aged 61 years Occ. Vegetable vendor,
A.Annavaram Village, Sankhavaram
Mandal, East Godavari District.

...Petitioner

Versus

State of Andhra Pradesh, rep.by its
Principal Secretary, Roads and
Buildings Department, Secretariate,
Velagapudi, Amaravati, Guntur
District and three others.

...Respondents

Counsel for the petitioners : Sri V.V. Satish

Counsel for respondent Nos.1 & 2 : GP for Roads and
Building

Counsel for respondent No.3 : Sri N. Srihari

ORDER

The present writ petition is filed to declare the action of respondent No.3 in resorting to demolish the shop of the petitioner by issuing notice dated 11.2.2020 as illegal and arbitrary.

2. Heard Ms G. Priyanka, learned counsel representing Sri V.V. Satish, learned counsel for the petitioner and learned Government Pleader for Roads and Buildings appearing for

respondent Nos.1 & 2 and Ms M. Rosy, learned counsel representing Sri N. Srihari, learned standing counsel appearing for respondent No.3.

3. In the affidavit it was contended that the petitioner owned an extent of 19 sq.yards of land in Sy.No.84 bearing door No.4-326 of S.Annavaram Village of East Godavari District. The petitioner got the property under registered relinquishment deed *vide* document No.4115/99. The petitioner constructed shed and he has been running vegetable and diary shop. On the western side of the petitioner's shop, road belonged to Roads and Buildings Department (for short 'R&B') is passing. In the year 2017, the road was expanded. For the purpose of expansion, some part of the petitioner's land was acquired and half of the shop was demolished and no compensation was paid. In the left-over portion of 10 sq.yards of land, the petitioner re-established vegetable shop and diary. The shop established by the petitioner is no way affecting the underground drainage of R&B road. The 3rd respondent issued notice dated 03.12.2019 for which the petitioner submitted explanation on 09.12.2019. The 3rd respondent again issued notice dated

11.02.2020, directing the petitioner to remove the shop.

Hence, the writ petition is filed.

4. Counter affidavit was filed on behalf of the 2nd respondent. It was contended that, Annavaram-Danavaipeta road within the limits of Annavaram was widened in the year 2015 under the Godavari Pushkarams Grant. No demolition was taken place in Annavaram-Danavaipeta road. The 3rd respondent issued notice on 11.02.2020, directing the petitioner to remove shop on the drain situated adjacent to R&B road. The R&B authorities will conduct survey with the help of Revenue authorities and fix the R&B land boundaries. If the petitioner shop falls in the road margin, the respondent authorities will take necessary steps with the help of Panchayat and Revenue authorities by following due procedure.

5. Ms G. Priyanka, learned counsel appearing for the petitioner would contend that the petitioner is the absolute owner of subject property and he got the property by virtue of registered relinquishment deed. The act of respondents in trying to remove the petitioner's shop is violation of Article 300-A of the Constitution of India.

6. Learned standing counsel and learned Government Pleader would submit that the authorities will conduct survey in the first instance by following procedure. In the survey, if the petitioner's shop falls in road margin, the authorities will take necessary steps by following due procedure.

7. In view of the averments made in the counter affidavit, without going into other disputed questions of fact, the Writ Petition is disposed of directing the R&B authorities to conduct survey with the help of Panchayat and Revenue authorities in presence of the petitioner and fix the road boundaries. If the petitioner's shop falls in road margin, the respondent authorities shall issue notice to the petitioner and follow due procedure. There shall be no order as to costs.

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

JUSTICE SUBBA REDDY SATTI

Date: 15.02.2024

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