

IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI  
(Special Original Jurisdiction)

FRIDAY, THE TWENTY SIXTH DAY OF JULY  
TWO THOUSAND AND TWENTY FOUR



PRESENT

THE HONOURABLE SRI JUSTICE B KRISHNA MOHAN

WRIT PETITION NO: 16211 OF 2024

**Between:**

L. Dastagiri, S/o Alipeera aged 54 years, R/o 2-8-185, Rotary puram,  
Pulivendula YSR Kadapa district.

...PETITIONER

AND

1. The State of Andhra Pradesh, rep by its Principal Secretary, Municipal Administration Department, Secretariat Buildings, Velagapudi, Amaravati.
2. The Commissioner, Pulivendula Municipality, YSR Kadapa district.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to pass orders particularly one in the nature of writ of mandamus declaring the orders of the 2nd respondent in 02 SEC-06/2024 dt. 15.7.2024 as arbitrary, illegal, discriminatory and violative of the principles of natural justice and right to life guaranteed under the Constitution of India.

**IA NO: 1 OF 2024**

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the operation of the impugned orders in 01 SEC - 06/2024 dt. 15.7.2024 pending disposal of the above writ petition.

**Counsel for the Petitioner(s): SRI. KASA JAGANMOHAN REDDY**

**Counsel for the Respondent No.1 : GP FOR MUNICIPAL ADMN URBAN DEV**

**Counsel for the Respondent No.2 : SRI N RANGA REDDY, SC FOR MUNICIPALITY**

**The Court made the following : ORDER**



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THE HONOURABLE SRI JUSTICE B KRISHNA MOHAN

WRIT PETITION NO: 16211/2024

**Between:**

L.dastagiri

...PETITIONER

AND

The State Of Andhra Pradesh and.Others

...RESPONDENT(S)

**Counsel for the Petitioner:**

1.KASA JAGANMOHAN REDDY

**Counsel for the Respondent(S):**

1.GP FOR MUNICIPAL ADMN URBAN DEV

**The Court made the following ORDER:**

Heard the learned counsel for the petitioner, the learned Assistant Government Pleader for the 1<sup>st</sup> respondent and the learned Standing counsel for the 2<sup>nd</sup> respondent.

2. This writ petition is filed questioning the encroachment notice issued by the 2<sup>nd</sup> respondent dated 15.07.2024 alleging that the petitioner encroached 20 sq.mts of the Government site at D.No.2-8-185/A of Rotarypuram, Pulivendula by raising AC sheet shed for the purpose of running chicken shop.



3. The learned counsel for the petitioner submits that the petitioner is running the said chicken shop for the last more than 20 years with the permission of the then Gram Panchayat to eke out his livelihood by raising a temporary shed under a tree. Thereafter when the said panchayat merged into the 2<sup>nd</sup> respondent Municipality, the petitioner also started paying trade license fee and tax for which he refers to the tax receipts dated 27.02.2021 and 28.01.2018. While so, to the utter surprise of the petitioner, the 2<sup>nd</sup> respondent issued this impugned encroachment notice dated 15.07.2024 for which the petitioner also submitted an explanation dated 19.07.2024 to the 2<sup>nd</sup> respondent to consider the same for the purpose of eking out his livelihood.

4. On the other hand, the learned Assistant Government Pleader and the learned Standing counsel for the respondents submit that the 2<sup>nd</sup> respondent will consider the explanation of the petitioner dated 19.07.2024 by conducting necessary enquiry and appropriate decision will be taken by following the due procedure.

5. In view of the above said facts and circumstances, the 2<sup>nd</sup> respondent is directed to proceed with the necessary enquiry pursuant to the above said encroachment notice dated 15.07.2024 by considering the explanation given by the petitioner dated 19.07.2024. Upon hearing all the parties concerned including the petitioner and upon verification of all the records and the subject AC sheet shed, appropriate decision shall be taken by the 2<sup>nd</sup> respondent on its own merits as expeditiously as possible preferably within a period of eight (8) weeks from the date of receipt of this order.

6. Accordingly, the Writ Petition is disposed off. There shall be no order as to costs.

As a sequel, Miscellaneous Petitions pending, if any, shall stand closed.

//TRUE COPY//

SD/- K. KASIRAO ACHARI  
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Commissioner, Pulivendula Municipality, YSR Kadapa District.
2. One CC to SRI KASA JAGANMOHAN REDDY Advocate [OPUC]
3. Two CCs to GP for MUNICIPAL ADMN URBAN DEV, High Court of Andhra Pradesh. [OUT]
4. One CC to SRI N RANGA REDDY, SC for MUNICIPALITY [OPUC]
5. Three CD Copies

Madhu

**HIGH COURT**

**DATED:26/07/2024**

**ORDER**

**WP.No.16211 of 2024**



**DISPOSING THE WP WITHOUT COSTS**