



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

[3233]

FRIDAY ,THE SECOND DAY OF AUGUST  
TWO THOUSAND AND TWENTY FOUR

**PRESENT**

**THE HONOURABLE SRI JUSTICE B KRISHNA MOHAN**

**WRIT PETITION NO: 16775/2024**

**Between:**

P Roja

**...PETITIONER**

**AND**

The State Of Ap and Others

**...RESPONDENT(S)**

**Counsel for the Petitioner:**

1.AISHWARYA NAGULA

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

1.GP MUNICIPAL ADMN AND URBAN DEV AP

**The Court made the following Order:**

Heard the learned counsel for the petitioner 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 18.07.2024 addressing to the petitioner's husband alleging that they have constructed public toilet in the government land unauthorizedly and as such they were asked to remove the same within a period of seven (7) days from the date of receipt of the said notice.

3. The learned counsel for the petitioner submits that the impugned encroachment notice does not give any subject site details of the alleged encroachment and that apart the petitioner is having house site patta issued by the Tahsildar dated 03.02.2023 with respect to the plot No.211 in town survey No.68 admeasuring 24/27 sq. yards with certain terms and conditions. Ever since, she has been in possession and enjoyment of the same. When there was dispute with the 3<sup>rd</sup> parties, the petitioner also filed O.S.No.465/2023 on the file of the learned Principal Junior Civil Judge, Adoni, against the said defendants, with respect to the suit scheduled property at Plot No.211 in survey No.68, MM Colony, 26<sup>th</sup> ward, Vengalapuram, within the limits of the Adoni Municipality. While so, suddenly the 2<sup>nd</sup> respondent issued the above said encroachment notice addressed to the petitioner's husband. No opportunity was given to the petitioner and no enquiry was conducted, so far, whether there was any encroachment by the petitioner as alleged in the impugned encroachment notice dated 18.07.2024.

4. On the other hand, the learned Standing Counsel appearing for the 2<sup>nd</sup> respondent submits that the petitioner can submit her explanation to the above said encroachment notice dated 18.07.2024 and, if, so, the same will be considered by the 2<sup>nd</sup> respondent by following the due procedure.

5. In view of the above said facts and circumstances, the petitioner can submit her explanation by enclosing all the necessary documents in support of her claim to the above said encroachment notice dated 18.07.2024 within a period of two (2) weeks from the date of receipt of this order. On receipt of the same, the 2<sup>nd</sup> respondent shall conduct necessary enquiry pursuant to the above said encroachment notice dated 18.07.2024 treating it only as notice and upon hearing all the parties concerned including the petitioner and upon verification of the records and the subject land, appropriate decision shall be taken on its own merits, as expeditiously as possible, preferably, within a period of eight (8) weeks thereafter. Pending the above said enquiry, there shall not be any coercive steps and there shall not be any further constructions by the petitioner.

6. Accordingly, the writ petition is disposed of. There shall be no order as to costs.

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

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**JUSTICE B KRISHNA MOHAN**

02.08.2024

*MDP*