

**THE HON'BLE SRI JUSTICE BATTU DEVANAND**

**WRIT PETITION No.27261 of 2021**

**ORDER:**

This Writ Petition has been filed against the action of the respondent Nos.1 to 5 in not taking any action on the representation dated 25.10.2021 and 30.09.2021 for removing the encroachments made by the respondent Nos.6 to 16 on the road situated in Sy.No.138 of Dumpagadapa, Akiveedu Mandal, West Godavari District.

2. Heard learned counsel for the petitioners and the learned Government Pleader for Roads and Buildings and learned Government Pleader for Revenue and Sri I.Koti Reddy, learned Standing Counsel appearing for the 5<sup>th</sup> respondent.

3. As this Court going to protect the interest of the respondent Nos.6 to 16 in passing orders while disposing this Writ Petition, notices to respondent Nos.6 to 16 are dispensed with.

4. With the consent of the learned counsel for the petitioners and the learned counsels appearing for the respondent Nos.1 to 5, this Writ Petition is disposed of at the stage of admission.

5. Learned counsel for the petitioners would submit that the respondent Nos.6 to 16 are making encroachments on the road situated in Sy.No.138 of Dumpagadapa, Akiveedu Mandal, West Godavari District. Aggrieved by the illegal action of the respondent Nos.6 to 16, the petitioners have submitted representations dated 25.10.2021 and 30.09.2021 to the respondents and no action has been taken. Aggrieved by the same, the present Writ Petition is filed.

6. Learned Government Pleader for Roads and Buildings, on instructions, submits that the respondent Nos.1 and 2 will take appropriate action to protect the road from the encroachers by conducting survey with the assistance of the revenue authorities and after receipt of the survey report, appropriate action will be taken by following due process of law to evict the encroachers on the public road.

7. Upon careful perusal of the material available on record, though the learned counsel for the petitioners submitted that the petitioners submitted representations dated 25.10.2021 and 30.09.2021, this Court could not find any representation submitted by the petitioners,

except sending legal notice through an Advocate to some Government officials. In our view sending legal notice to some officers, who are not the respondents in the present Writ Petition is not amount to submission of representation to the concerned authorities.

8. However, to meet the interest of justice, in our view, it is appropriate to permit the petitioners to submit representation to the concerned authorities stating the grievance of the petitioner within a period of one(1) week from today. On submission of the same, the concerned officers including respondent Nos.1 to 5 herein are directed to take appropriate steps to remove the encroachments made on the road in Sy.No.138 of Dumpagadapa, Akiveedu Mandal, West Godavari District by following due process of law within three(3) weeks thereafter. It is needless to state that the concerned officers have to give reasonable opportunity to the petitioners and unofficial respondent Nos.6 to 16 before taking any final decision.

9. With the above findings, this 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 BATTU DEVANAND**

Date: 22.11.2021

**Note: Furnish C.C. by tomorrow.**

B/o.

Klpd

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Dt.22-11-2021

klpd