

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)

MONDAY, THE TWENTY SIXTH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY TWO

:PRESENT:

THE HONOURABLE SRI JUSTICE D RAMESH



WRIT PETITION NO: 31629 OF 2022

Between:

Vijaya Durga Stone Crushers, Rep by its Sole Proprietor, Devabhakthuni
Nageswara Prasad, S/o. D. Bhimayya, Aged about 82 years, Office at 314/1,
Main Road, Paritala, Kanchikacherla Mandal, Krishna District.

...Petitioner

AND

1. The State of Andhra Pradesh, Rep. by its Principal Secretary, Department of Revenue, Secretariat Buildings, Velagapudi, Guntur District.
2. The State of Andhra Pradesh, Rep. by its Principal Secretary, Irrigation Department, Secretariat Buildings, Velagapudi, Guntur District.
3. The District Collector, N.T.R. District.
4. The Executive Engineer, Nagarjuna Sagar Left Branch Canal (NSLBC), O&M Sub-Division, Kanchikacherla, N.T.R. District.
5. The Deputy Executive Engineer, Nagarjuna Sagar Left Branch Canal (NSLBC), O&M Sub-Division, Kanchikacherla, N.T.R. District.
6. The Mandal Development Officer, Kanchikacherla Mandal, N.T.R. District.
7. The Tahsildhar, Kanchikacherla Mandal, N.T.R. District.
8. The Mandal Surveyor, Kanchikacherla Mandal, N.T.R. 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 issue an appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the actions respondents herein in making marking to the building in absence of the petitioner and in trying to demolish the Two Storied Building situated in Sy.No. 313/2A of Paritala Village, Kanchikacherla Mandal, N.T.R. District without conducting proper survey of the lands, as illegal, arbitrary, in violation of provisions of Andhra Pradesh Panchayat Act, in violation to the Principles of Natural Justice and also in violation of Articles 14, 19, 21 and 300A of Constitution Of India and consequentially direct the respondents not to demolish the existing Two Storied Building situated in Sy.No. 313/2A of Paritala Village, Kanchikacherla Mandal, N.T.R. District.

IA NO: 1 OF 2022

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to direct the respondents herein to conduct a fresh survey in the petitioner's presence by following the due process of law in the Sy.No. 313/2A, Sy.No.313/1B, 313/2B of Paritala Village, Kanchikacherla Mandal, N.T.R. District, pending disposal of WP No. 31629 of 2022, on the file of the High Court.

IA NO: 2 OF 2022

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to direct the respondents herein not to demolish the existing Two Storied Building situated in Sy.No. 313/2A of Paritala Village, Kanchikacherla Mandal, N.T.R. District, pending disposal of WP No. 31629 of 2022, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments Sri Kilaru Nithin Krishna, Advocate for the Petitioner and of GP for Revenue for Respondent Nos.1, 3, 6 to 8, GP for Irrigation for Respondent Nos.2, 4 & 5,, the Court made the following;

ORDER:

“The present writ petition is filed assailing the notice dated 12.09.2022 issued by the 4th respondent, stating that the petitioner was illegally occupied the land in Ac.0.67 cents in R.S.No.313/1B as reported by the Tahsildar, Kanchikacherla, thereby directed to remove the illegal encroachment of the government land (NSP) canal within 07 days.

Contention of the learned counsel for the petitioner is that said notice is contrary to the principles of natural justice, since the impugned notice was said to be issued based on the report submitted by the Tahsildar on 05.08.2022; while conducting enquiry by the Tahsildar, no opportunity has been given to the petitioner. After receipt of the notice, the petitioner filed F-Line application on 20.09.2022 to survey the subject property in the presence of the petitioner.

In view of the same, the respondent authorities are directed to consider the application made by the petitioner and conduct survey within a period of two (02) weeks and based on the said survey, the respondent authorities are free to take action as per the directions of this court vide W.P.(PIL) Nos.138, 148 of 2021.

Till such time the respondents are directed not to take further coercive steps pursuant to the said notice.”

Sd/- K. SRINIVASA RAJU
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

For ,

To,

1. The Principal Secretary, Department of Revenue, State of Andhra Pradesh, Secretariat Buildings, Velagapudi, Guntur District.
2. The Principal Secretary, Irrigation Department, State of Andhra Pradesh, Secretariat Buildings, Velagapudi, Guntur District.
3. The District Collector, N.T.R. District.
4. The Executive Engineer, Nagarjuna Sagar Left Branch Canal (NSLBC), O&M Sub-Division, Kanchikacherla, N.T.R District.

5. The Deputy Executive Engineer, Nagarjuna Sagar Left Branch Canal (NSLBC), O&M Sub-Division, Kanchikacherla, N.T.R District.
6. The Mandal Development Officer, Kanchikacherla Mandal, N.T.R. District.
7. The Tahsildhar, Kanchikacherla Mandal, N.T.R. District.
8. The Mandal Surveyor, Kanchikacherla Mandal, N.T.R. District. **(1 to 8 by RPAD)**
9. One CC to Sri. Kilaru Nithin Krishna, Advocate [OPUC]
10. Two CCs to GP for Revenue, High Court of Andhra Pradesh. [OUT]
11. Two CCs to GP for Irrigation, High Court of Andhra Pradesh. [OUT]
12. One spare copy.

MSB

HIGH COURT

DR,J

DATED:26/09/2022

ORDER

WP.No.31629 of 2022

INTERIM DIRECTION

