

**THE HON'BLE SRI JUSTICE V.V.S.RAO**

WRIT PETITION NO. 24926 OF 2005

30.11.2005

Between:

J. Munithippaiah Chetty & Co., Hindustan Petroleum Corporation, Retial Out let, rep.,  
by its Partner J. Naveenkumar.

...Petitioner

AND

The Executive Engineer (R & B), Chittoor, Chittoor disrict and three others

...Respondents

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ORDER:

The petitioner is a firm running Petroleum outlet as dealer of Hindusthan Petroleum Corporation Limited. In 1997, when there was a threat of demolition of compound wall, the petitioner-firm filed W.P.No. 28902 of 1997. This court disposed of the said writ petition on 18-02-1998 directing the respondent Nos. 1 to 3 to conduct inquiry

after giving notice. On 15-11-2005, the 4<sup>th</sup> respondent issued a notice to the petitioner purporting to be under Sections 192, 193 and 336 of the Andhra Pradesh Municipalities Act, 1965 (for short 'the Act') informing the petitioner that it has encroached upon municipal land to the extent of 287.50 square meters and the petitioner was directed to remove the encroachment within a period of seven days. The petitioner alleges that it has not encroached upon the municipal land and that if the land is required for widening the road, the respondent-Municipality cannot remove the encroachment by high-handed action.

Heard the learned counsel for the petitioner and the learned standing counsel for the 4<sup>th</sup> respondent-Municipality.

Even according to the petitioner, the 4<sup>th</sup> respondent issued notice on 15-11-2005 and nothing prevents the petitioner to approach the 4<sup>th</sup> respondent with an explanation as to whether there is any encroachment by the petitioner-firm. If such explanation is given, the 4<sup>th</sup> respondent shall consider before taking any coercive action for removing the encroachment. Till the explanation is considered, there shall be *status-quo*.

The writ petition is, accordingly, disposed of. No costs.

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V.V.S. RAO, J

30-11-2005

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