

IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI

THE HON'BLE SRI JUSTICE B KRISHNA MOHAN

**THURSDAY, 25ST DAY OF MAY, TWO THOUSAND AND
TWENTY THREE**

WRIT PETITION No.13582 of 2023

Between:

Sanaboina Venkateswara Rao S/o
S Subbarao, aged about 60 years,
Occ: Coolie, R/o: 12-57, Sundarayya
Colony, Srungavruksham (V),
Palakoderu (M), West Godavari District
And 2 others.

....Petitioners

And

The State of Andhra Pradesh Rep. by
its Principal Secretary, Ministry of
Panchayat Raj Rural & Urban
Development, Secretariat Buildings,
Velagapudi, Amaravati and 4 others.

....Respondents

ORDER:

Heard the learned counsel for the petitioners and the
learned Standing counsel appearing for the 5th respondent.

2. The grievance of the writ petitioners is that the 5th
respondent issued the impugned notice dated 17.05.2023
individually to all the three petitioners stating that on the
complaint given by one Mr. Akula Raghavendra Rao dated
16.05.2023 the 5th respondent after conducting survey found

that the petitioner is in occupation of the public road and as such directed him to vacate within seven (7) days. Similar notices were also given to the 2nd and 3rd petitioners.

3. The learned counsel for the petitioners submits that the petitioners individually were given Ac.0.03 cents of land/house site by way of an assignment dated 27.07.1987 in the colony constructed in Sy.No.515/1B of Srungavruksham village, Palakoderu Mandal, West Godavari District. Ever since the petitioners are enjoying the possession of the said house sites peacefully in their individual extents. While so, on the basis of some false complaint dated 16.05.2023 the petitioners were issued with the impugned notice dated 17.05.2023 by the 5th respondent alleging that they have occupied the public road and sought for vacation of the same within seven (7) days without giving any opportunity.

4. On the other hand, the learned Standing Counsel appearing for the 5th respondent submits that on receipt of a complaint as stated in the impugned notice dated 17.05.2023, the 5th respondent caused survey of the said land and found that the petitioners occupied the public road in an extent of 107 square yards collectively by all the three

petitioners. Hence, the impugned notices have been given by the 5th respondent to the petitioners individually.

5. In view of the above said facts and circumstances, the petitioners are directed to submit separate explanations for the impugned notices of the 5th respondent dated 17.05.2023 by enclosing the necessary documents in support of their individual claims within a period of three weeks from the date of receipt of this order. On receipt of such explanation from the petitioners, the 5th respondent shall proceed with the enquiry pursuant to the impugned notices dated 17.05.2023 by hearing all the parties concerned including the petitioners and upon verification of the records and the subject land, appropriate decision shall be taken on its own merits. Subject to outcome of the final orders that may be passed by the 5th respondent after completing the said enquiry, there shall be an order of *status quo* as on today to be maintained with respect to the subject house sites assigned to the petitioners.

6. Accordingly, the Writ Petition is disposed of. No costs.

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

25.05.2023
VNS/UPS

JUSTICE B KRISHNA MOHAN