

APHC010043452025



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

[3505]

FRIDAY ,THE THIRTY FIRST DAY OF JANUARY
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE T.C.D.SEKHAR

WRIT PETITION NO: 2406/2025

Between:

Datla Sanyasamma ...**PETITIONER**

AND

The State Of Andhra Pradesh and Others ...**RESPONDENT(S)**

Counsel for the Petitioner:

1. V V SATISH

Counsel for the Respondent(S):

1. GP FOR ROADS BUILDINGS

2. GP FOR INDUSTRIES COMMERCE

The Court made the following:

ORDER:

The present Writ Petition is filed under Article 226 of the Constitution of India seeking the following relief:-

“...to issue any writ order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in resorting to dispossess the petitioner from her residential house and petty shop is illegal, arbitrary and violation of Article 14, 21 and 300 A of the Constitution of India besides violation of principles of natural justice and to consequently direct the respondents not to interfere with the petitioner’s house property bearing D.No.5-19-26/1/1, Tungalam Village, Gajuwaka Mandal, Visakhapatnam District and to pass...”

2. The case of the petitioner is that, she has been residing at D.No.5-19-26/1/1, Tungalam Village, Gajuwaka Mandal, Visakhapatnam District and running a petty shop by obtaining trade license from the Greater Visakhapatnam Municipal Corporation. It is the further case of the petitioner that, the subject land is proposed to be allotted to the land losers of APIIC Industrial Park. The petitioner lost her land in the year 1966, for the establishment of APIIC. Though, the subject land is earmarked for the land losers including the petitioner, no house-site is allotted by the respondents till date. In those circumstances, the petitioner occupied the subject land at about 18 years back and residing thereon by running a petty shop. It is further contended that, while so, on 16.01.2025, the staff of the respondent No.6 visited the subject property of the petitioner and directed her to vacate from the same, otherwise the petitioner would be dispossessed by using force. It is further contended that, the property in which the petitioner has been residing

was assessed by the Municipal Corporation and without issuing any notice, the respondents cannot dispossess the petitioner as the same would amount to violation of principles of natural justice.

3. On the other hand, the learned Government Pleader for Roads and Buildings appearing on behalf of the respondents placed the instructions issued by the Superintendent Engineer Roads and Buildings, Seethammadhara, Visakhapatnam, dated 29.01.2025. On a perusal of the same, it is mentioned therein that the Roads and Buildings Department has taken up the Rail Over Bridge works, in lieu of LC No.SP5 at Km 877/10S-11S in Waltair Marshalling Yard in Visakhapatnam District, in the land allotted by APIIC. It is further averred in the said instructions that the construction of the total width of the abutment is 12 meters and from the centre line, it is 6 meters width and the subject land where the petitioner has been residing is located at 2 meters away from the abutment. The instructions further reads that, the entire land belongs to APIIC only and for the present, there are no instructions from the Roads and Buildings Department, with regard to the eviction of the petitioner from the subject lands. The said instructions passed on by the learned Government Pleader for Roads and Buildings, is placed on record.

4. Heard learned counsel for the petitioner, learned Government Pleader for Industries appearing on behalf of respondent No.1 and Sri. Gurram Rama Chandra Rao, learned Standing Counsel for APIIC appearing on behalf of respondent Nos.2 and 3.

5. In that view of the matter, the present Writ Petition is disposed of, by directing the respondents more particularly the respondent No.6/the Superintendent Engineer, Roads & Buildings Department, Visakhapatnam District, not to dispossess the petitioner from the subject land/house in dispute without following due process of law. Further it is made clear that, if the respondents want to take over the subject land, the same has to be done after putting the petitioner on notice by calling for objections and also after giving opportunity of being heard to the petitioner.

6. With the above observation, the present Writ Petition is disposed of. There shall be no order as to costs.

As a sequel, pending applications, if any, shall stand closed.

JUSTICE T.C.D. SEKHAR

Date.31.01.2025

cvd