

GOVERNMENT OF ANDHRA PRADESH
TOWN AND COUNTRY PLANNING DEPARTMENT

From
The Director of Town and
Country Planning,
H.No.241, N.H.16, MGM Capital
Near NRI Fly over, Chinakakani,
Mangalagiri - 522508.

To
The Commissioner,
All Urban Local Bodies in the State

Lr.Roc.No.17/255/2018/P, dated: 15/11/2022

Sir/Madam,

29/2023
Sub: O/o DTCP, AP., Mangalagiri – MA&UD Department. - WP(PIL) No. 108/2022, 105 of 2022, 108 of 2022, 110 of 2022 with PIL No.128/2021 and W.A. No. 546/ 2022 filed before Hon'ble High Court on constructions under taken on water bodies - Special Chief Secretary, Revenue (Lands) Department nominated as authorized signatory on behalf of Government to file affidavits - Furnish status report on encroachments - Requested - Regarding.

Ref: 1.Govt.Memo.No: 1768517/MA&UD/J2/2022, MA&UD (J2) Dept., Dt: 23/09/2022.

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Kind attention is invited to the subject and reference cited, wherein the Government have requested information regarding WP(PIL) No. 108/2022, 105 of 2022, 108 of 2022, 110 of 2022 with PIL No.128/2021 and W.A. No. 546/ 2022 filed before Hon'ble High Court on constructions under taken on water bodies.

Further, it is brought to the notice of the under signed that, certain information was submitted by the ULBs through the District Collectors to the Government on the same matter.

In view of the above, it is requested to submit copy of the information already submitted to the Government through the District Collectors on the same matter to this office immediately, so as to submit the same to the Government.

This may be treated as "Most Urgent".

Yours faithfully,
Director of Town and
Country Planning

Encl: As above

File No.MAU03-17/255/2018-PLG-DOTCP

Copy to all MC/VCs of UDAs and RDDTPs for taking necessary action.

Signed by Rj Vidyullatha
Date: 15-11-2022 12:16:03
Reason: Approved



PHONE: 08645-295969
EMAIL: dtcp.ap@gmail.com

GOVERNMENT OF ANDHRA PRADESH
TOWN AND COUNTRY PLANNING DEPARTMENT

From
The Director of Town and
Country Planning,
H.No.241, N.H.16, MGM Capital
Near NRI Fly over, Chinakakani,
Mangalagiri - 522508.

To
The Metropolitan Commissioner, VMRDA
The Commissioner, APCRDA
The Vice Chairman, All UDAs in the State
The Commissioner, All ULBs in the State

Lr.Roc.No.17/255/2018/P, dated: 27/12/2022

Sir/Madam,

Sub: O/o DTCP, AP., Mangalagiri – MA&UD Department. - WP(PIL) No. 108/2022, 105 of 2022, 110 of 2022 with PIL No.128/2021 and W.A. No. 546/2022 – Hon'ble High Court orders – Communicated – Regarding.

Ref: Hon'ble A.P. High Court Orders on WP(PIL) No. 108/2022, 105 of 2022, 110 of 2022 with PIL No.128/2021 and W.A. No. 546/2022 dated 20.10.2022.

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Adverting to the subject and reference cited, I am herewith enclosing the copy of the orders of the Hon'ble High Court of Andhra Pradesh on WP(PIL) No. 108/2022, 105 of 2022, 110 of 2022 with PIL No.128/2021 and W.A. No. 546/ 2022 on constructions under taken on water bodies for taking further necessary action in the matter.

Yours faithfully,

**Director of Town and
Country Planning**

Encl: As above

Signed by Rj Vidyullatha
Date: 27-12-2022 20:03:40
Reason: Approved



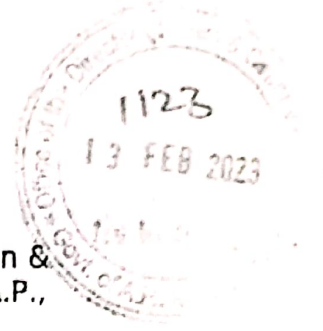
6987311/2023/IO SEC-DOTCP

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**GOVERNMENT OF ANDHRA PRADESH
MUNICIPAL ADMINISTRATION DEPARTMENT**

From
Sri Pravin Kumar, I.A.S
Commissioner & Director of
Municipal Administration,
AP, Vaddeswaram.

To
The Director of Town &
Country Planning, A.P.,
Mangalagiri,
Guntur District.



Lr.Roc.No.21030/527/2022/P-1, dated 07/02/2023

Sir,

Sub: MA Dept., - APHC - Common Order dated 20.10.2022 of the Hon'ble
- High Court of A.P. in certain W.P.s - Certain instructions issued -
Reminder - Regarding.

- Ref: 1. Govt.Memo.No.1768517/MA&UD/J2/2022, dated
- 22.07.2022, 05.09.2022, 14.09.2022 & 23.09.2022.
2. Orders dated 16.08.2022 of the Hon'ble High Court of
A.P. In WP PIL 105,108,110 of 2022, WP-PIL 128 of 2021
and WA No.546 of 2022.
3. U.O.Note No.Rev01-LANA0MISC/458/2022-Lands.I, dated
12.09.2022 of the Revenue (Lands.I), Department.
4. Lr.No.414/2022, dated 05.09.2022 of the Learned
Advocate General, High Court of A.P.
5. This office Lr.Roc.No.21030/527/2022/P, dated
19.10.2022 addressed to the Director, Town & Country
Planning, A.P., Mangalagiri.
6. This office Circular Roc.No.21030/527/2022/P, dated
19.10.2022.
7. Common Order dated 20.10.2022 of the Hon'ble High
Court of A.P. in W.P (PIL) Nos.108 of 2022, W.P (PIL)
Nos.29, 218 & 334 of 2017, W.P.Nos.33722 of 2017 and
37098 of 2018, W.P.(PIL) Nos.227, 299 of 2020,
128,139, 142, 148, 157 & 165 of 2021, W.P.No.25115 of
2021, W.P (PIL) No.3,16,19,51,105,110,146 of 2022,
W.P.No.32177 of 202 and W.A.No.546 of 2022.
8. Lr.No.REV02-25/2/2022-AS-LA & PMU-CCLA, dated
28.11.2022 of the Chief Commissioner of Land
Administration & Spl.C.S.
9. This office Circular Roc.No.21030/527/2022/P, dated
08.12.2022 addressed to all the Commissioners of ULBs
& the RDMA's in the State.
10. This office Lr.Roc.No.21030/527/2022/P, dated
08.12.2022 addressed to the DTCP, A.P., Mangalagiri.
11. Govt.Memo.No.1913982/M2/2022, dated 02.01.2023
together with representation of Sri J. Venkata Subba

Reddy, Kadapa.

I invite your attention to the references cited and inform that in the reference 8th cited, the Chief Commissioner of Land Administration & Spl.C.S has requested to issue directions to the concerned officers to take steps in terms of the directions issued by the Hon'ble High Court in W.P. (PIL).No.140 of 2022 and batch, to comply with the orders of the Hon'ble High Court of A.P. within the stipulated time to avoid further complications in the matter.

2. In the reference 9th cited, certain instructions were issued to all the Commissioners of ULBs in the State to go through the Common Orders of the Hon'ble High Court of A.P. in the above Writ Petitions (mentioned at reference 7th cited) and to undertake & complete the exercise of identification of unauthorized occupations/encroachments over the lands pertains to Urban Local Bodies, immediately.

3. In the reference 10th cited you have been requested to go through the Common orders dated 20.10.2022 of the Hon'ble High Court of A.P. in the above Writ Petitions and to take immediate necessary action for compliance in the matter and to **prepare an online Mechanism for monitoring the identification & removal of encroachments on Water Body lands in Municipal areas** and also to submit the action taken reports in this regard to this office i.e., **(i) initial report by 20.12.2022** and **(ii) Final report by 20.02.2023** without fail for taking further action in the matter, keeping in view of the orders of the Hon'ble High Court of AP .

4. **But, no initial report is sent to this office so far in this regard.**

5. As the matter stood thus, in the reference 11th cited, the Government, while enclosing the representation dated 14.11.2022 of Sri J. Venkata Subba Reddy, Kadapa, have requested the Commissioner, Kadapa Municipal Corporation to examine the same and take necessary action as per rules in force, under intimation to the applicant.

6. In the representation dated 14.11.2022, Sri J. Venkata Subba Reddy, Kadapa has requested to take immediate steps to conduct a detailed and comprehensive survey by using the DGPS, GIS Equipment, and AP Cadastral Map, by taking their presentations into consideration and for removal of the encroachments as per law, and to complete the said exercise as per the time stipulated given by the orders dated 20.10.2022 of Hon'ble High Court of AP in W.P.(PIL) No.142 of 2021. Further he has stated that he is having required documents for reference in this regard and stated that he may be informed in advance, if any document required in this regard.

7. I, therefore, send herewith the above references 8th & 11th cited and

6987311/2023/IO SEC-DOTCP

request you to pay your personal attention on the orders of the Hon'ble High Court of AP and also on the representation of Sri J. Venkata Subba Reddy, Kadapa and take necessary immediate action for avoiding further legal complications in the matter.

8. Further, you are once again requested to submit the details of action taken in this regard to this office in two spells i.e., **(i) initial report immediately, preferably by 10.02.2023 and (ii) Final report by 20.02.2023 without fail**, for taking further action in the matter keeping in view of the orders of the Hon'ble High Court of AP.

9. This shall be treated as **"Most Urgent & Important"**.

Yours faithfully,

Commissioner & Director

Encl: As above.

Copy submitted to the Special Chief Secretary to Govt., MA & UD, Dept., A.P., Secretariat, Velagapudi for favour of information.

Signed by Pravin Kumar

as

Date: 07-02-2023 10:26:43

Reason: Approved



6987311/2023/IO SEC-DOTCP

// COURT CASE // MOST URGENT //

**GOVERNMENT OF ANDHRA PRADESH
MUNICIPAL ADMINISTRATION DEPARTMENT**

From
Sri Pravin Kumar, I.A.S.,
Commissioner & Director of
Municipal Administration,
AP, Vaddeswaram.

To
The Director,
Town & Country Planning of A.P.,
Mangalagiri.

Lr.Roc.No.21030/527/2022/P-Sec, dated 08/12/2022

Madam,

Sub: MA Dept., – APHC – Common Order dated 20.10.2022 of the Hon'ble High Court of A.P. in W.P (PIL) Nos.108 of 2022, W.P (PIL) Nos.29. 218 & 334 of 2017, W.P.Nos.33722 of 2017 and 37098 of 2018, W.P. (PIL) Nos.227,299 of 2020,128,139,142, 148,157&165 of 2021, W.P.No.25115 of 2021, W.P (PIL) No.3,16,19,51,105,110,146 of 2022, W.P.No.32177 of 202 and W.A.No.546 of 2022 – Certain instruction issued – Regarding.

- Ref:**
1. Govt.Memo.No.1768517/MA&UD/J2/2022, dated 22.07.2022, 05.09.2022, 14.09.2022 & 23.09.2022.
 2. Orders dated 16.08.2022 of the Hon'ble High Court of A.P. In WP PIL 105,108,110 of 2022, WP PIL 128 of 2021 and WA No.546 of 2022.
 3. U.O.Note No.Rev01-LANA0MISC/458/2022-Lands.I, dated 12.09.2022 of the Revenue (Lands.I), Department.
 4. Lr.No.414/2022, dated 05.09.2022 of the Learned Advocate General, High Court of A.P.
 5. This office Lr.Roc.No.21030/527/2022/P, dated 19.10.2022 addressed to the Director, Town & Country Planning, A.P., Mangalagiri.
 6. This office Circular Roc.No.21030/527/2022/P, dated 19.10.2022.
 7. Common Order dated 20.10.2022 of the Hon'ble High Court of A.P. in W.P (PIL) Nos.108 of 2022, W.P (PIL) Nos.29. 218 & 334 of 2017, W.P.Nos.33722 of 2017 and 37098 of 2018, W.P.(PIL) Nos.227, 299 of 2020, 128,139, 142, 148, 157 & 165 of 2021, W.P.No.25115 of 2021, W.P (PIL) No.3,16,19,51,105,110,146 of 2022, W.P.No.32177 of 202 and W.A.No.546 of 2022.

I invite your attention to the references cited and inform that in the reference 7th cited, the Hon'ble High Court of A.P., has issued Common Orders in W.P (PIL)



Nos.108 of 2022, W.P (PIL) Nos.29, 218 & 334 of 2017, W.P.Nos.33722 of 2017 and 37098 of 2018, W.P.(PIL) Nos.227, 299 of 2020, 128,139, 142, 148, 157 & 165 of 2021, W.P.No.25115 of 2021, W.P (PIL) No.3.16,19,51,105,110,146 of 2022, W.P.No.32177 of 202 and W.A.No.546 of 2022 and the operational portion of the common orders is read as follows for ready reference:

"..... (ii) So far as the encroachments over the lands concerning the Municipalities/Forest Department/Revenue Department are concerned, even if no separate Rules have been framed prescribing the procedure to be followed in the matter of removal of encroachments over those lands, the officials of the concerned Departments, i.e., the Departments of Municipal Administration, Forest and Revenue, shall also undertake and complete the exercise of identification of unauthorized occupations/encroachments over the lands belonging to their respective Departments, within a period of two months from today, and thereafter, take steps for removal of such encroachments by following the principles of natural justice, i.e., issuing notice and providing opportunity of hearing to the unauthorized occupant/encroachers, within a further period of four months".

2. I, therefore, send herewith the above references and request you to go through the Common Orders dated 20.10.2022 of the Hon'ble High Court of A.P. in the above Writ Petitions and to take immediate necessary action for compliance to the above orders for avoiding legal complications in the matter and to prepare an online Mechanism for monitoring the identification & removal of encroachments on Water Body lands in Municipal areas.

4. Further, you are requested to submit the action taken reports in the regard keeping in view of the orders of the Hon'ble High Court of AP to this office i.e., (i) initial report by 20.12.2022 and (ii) Final report by 20.02.2023 without fail, for taking further action in the matter.

5. Please treat this as **most urgent & important**.

Yours faithfully,

Commissioner & Director

Encl: As above.

Copy to the EnC, Public Health, AP. Tadepalli for information and necessary action.



6987311/2023/IO SEC-DOTCP

Copy submitted to the Special Chief Secretary to Govt., MA & UD, Dept., A.P
Secretariat, Velagapudi for favour of information.

Signed by Pravin Kumar
as
Date: 08-12-2022 11:42:47
Reason: Approved



GOVERNMENT OF ANDHRA PRADESH
MUNICIPAL ADMINISTRATION & URBAN DEVELOPMENT (M) DEPARTMENT

Memo.No.1913982/M2/2022.

Dated:02.01.2023

Sub: MA&UD Dept., - Representation of Sri J.Venkata Subba Reddy, Kadapa forwarded for taking necessary action as per rules in force - Reg.

Ref: Representation of Sri J.Venkata Subba Reddy, Kadapa Dated:14.11.2022.

A copy of the reference cited is sent herewith to the Commissioner, Kadapa Municipal Corporation, Kadapa District. He is requested to examine the same and take necessary action as per rules in force, under intimation to the applicant.

M. VENKATA SUBBAIAH
OFFICER ON SPECIAL DUTY

To
The Commissioner,
Kadapa Municipal Corporation, Kadapa District (w.e)

Copy to:
SF/SCs.

// FORWARDED: BY ORDER //


SECTION OFFICER

7. The Deputy Director
Social Welfare Department
District Collectorate, Kadapa
YSR Kadapa District
Andhra Pradesh - 516 001
8. The Assistant Director
Survey & Land Records
O/o the District Collector Office
Kadapa, YSR Kadapa District
Andhra Pradesh - 516 001
9. The Superintendent Engineer
Minor Irrigation Divisional Office
Kadapa, YSR Kadapa District
Andhra Pradesh
10. The Chief City Planner
Kadapa Municipal Corporation
Kadapa, YSR Kadapa District
Andhra Pradesh - 516 001
11. The Town Planning Officer
East Zone, Kadapa Municipal Corporation
Kadapa, YSR Kadapa District
Andhra Pradesh - 516 001
12. The Sub-Collector
Revenue Divisional Office
Kadapa, YSR Kadapa District,
Andhra Pradesh
13. The Tahsildar
Mandal Revenue Office
Kadapa, YSR Kadapa District,
Andhra Pradesh
14. The District Registrar
Stamps & Registration Department
Kadapa, YSR Kadapa District
Andhra Pradesh
15. The Sub-Registrar, Kadapa
YSR Kadapa District, Andhra Pradesh
16. The Surveyor
O/o the City Planning Officer

Kadapa Municipal Corporation
Kadapa, YSR Kadapa District
Andhra Pradesh - 516 001

17. The Panchayat Secretary
Putlampalli Grampanchayat
Putlampalli Grama Sachivalayam
Putlampalli Village, Kadapa Mandal
YSR Kadapa District, A.P - 516 002
(not party respondent in WP(PIL) No.140 of 2021)

Dear Sirs,

Sub:- Request for compliance of Orders of the Hon'ble High Court of Andhra Pradesh, at Amaravati in W.P(PIL) No.142 of 2021 – Request – Reg.

I, Jangiti Venkata Subba Reddy, S/o Sri Gangireddy, Hindu, Aged about 44 years, R/o D.No.1-20, Valasapalle Village, Yerraguntla Mandala, YSR Kadapa District Andhra Pradesh - 516 309, would like to submit as under:

1. That I have filed the above W.P(PIL) No.142 of 2021 in the Hon'ble High Court of Andhra Pradesh, at Amaravati, against encroachment of (i) Yeravanka Canal situated in Putlampalle Village; (ii) Bacha Rao Tank situated in Putlampalle Village; (iii) Burial Ground/Cremation Ground situated in Survey Nos. 39/9 and 40/1; and, (iv) Government Land situated in Survey Nos. 33/1, 33/2, 34/1 and 34/6, etc., by M/s. Sri Sai Mitra Developers, Gouthama Buddha Township, D.No.49-E, Opp. Indian Overseas Bank, Near Obul Reddy Complex, NGO Colony, Kadapa, YSR Kadapa District, Andhra Pradesh - 516 001, and illegal constructions on the same by them in the name and style 'Budha Township', in clear violation of the proceedings in Lr.No.D.Dis No.2826/2017/A dated 17-07-2017.

2. That the Hon'ble High Court, vide orders dated 01-12-2021, was pleased to direct no. 8and 16 of you to conduct the survey and demarcate the subject land in my presence and neighboring ryoths of the locality, while further directing that before proceeding with the survey and demarcation, no. 8and 16 of you shall issue

notice in writing fixing the date and time of such survey and demarcation and serve the same on me and other neighboring ryoths of the locality, and while also directing that the survey and demarcation be completed within a period of 10 days.

3. That pursuant to the aforesaid orders, no.8 of issued a notice of survey dated 06-12-2021 proposing to conduct the survey on 10-12-2021. I also made a representation dated 08-12-2021 requesting no. 8 of you to conduct the survey accurately by using the Differential Global Positioning System (DGPS) Equipment. That the DGPS equipment was not used in the said survey dated 10-12-2021. On the day of survey i.e. on 10-12-2021, there was huge gathering of encroacher's men, in and around survey locations, and some of them frequently yelled at me that they would not allow me to leave the site unless I sign the survey papers. That the officers from the office of no.8 of you, filled the information as per the instructions of the encroacher openly, and directed me to sign on the same, and since I already came to know from hearsay that the encroacher's men already threatened one PutikaBalaSubbaiah (one of the petitioners in W.P No.11375 of 2021) that if anyone from the Putlampalli and/or surrounding villages come to the survey and speak against anything against the township, they would face dire consequences, and I also learnt that said PutiakaBalaSubbaiah committed suicide under the trauma and stress created by the encroachers, having left with no other go, I too signed the paper handed over to me, wherein I was directed to sign.

4. It is relevant to submit that though the aforesaid encroacher's project was approved for Ac.13.622 Cents (as per the revised approval i.e. confirmed T.L.P No.109/2017-A, dated 04-07-2019), as per the GIS (longitude and latitude method), the project of encroacher is covered in Ac.19.9 Cents, and though I requested the survey and other authorities to conduct the survey by using the DGPS, GIS and AP Cadastral Map, for proper and accurate measurements/survey, the same was not done, with the undue influence of the encroacher, and as empty formality only manual survey conducted showing FMB. Copies of the GIS survey, which shows that the boundary (from inside corners of the wall) of the Budha Township is constructed in Ac.19.9 Cents, are filed herewith for ready reference.

5. Under those circumstances, I have filed an interlocutory application in the above WP(PIL) No.140 of 2021, praying the Hon'ble Court to reject the survey report dated 15-12-2021 submitted by the no. 8 of you and to direct the no. 8 and 16 of you to conduct a detailed and comprehensive survey by using the DGPS, GIS Equipment, and AP Cadastral Map.

6. That the Hon'ble High Court of Andhra Pradesh, in view of the fact that the encroachments are over the tank lands/govt land/road poramboke etc., vide orders dated 20-10-2022, was pleased to dispose of the above W.P (PIL).No.142 of 2021, along with batch of other cases, in terms of the orders passed in W.P (PIL).No.140 of 2022 and batch, wherein in it was ordered as under:

"(i) The executive authority, i.e., Panchayat Secretary, of the respective Gram panchayats shall identify the Gram Panchayat lands/tank lands/road poramboke, which are unauthorizedly occupied/encroached, and take steps for removal of such encroachments by issuing notice and providing opportunity of hearing to the unauthorized occupants/encroachers in terms of the procedure prescribed in Rules of 2011. This complete exercise shall be done within a period of six months from today.

(ii) So far as the encroachments over the lands concerning the Municipalities/Forest Departments/Revenue Department are concerned, even if no separate Rules have

been frames prescribing the procedure to be followed in the matter of removal of encroachments over these lands, the officials of the concerned Departments, i.e., the Departments of Municipal Administration, Forest and Revenue, shall also undertake and complete the exercise of identification of unauthorized occupations/encroachments over the lands belonging to their respective Departments, within a period of two months from today, and thereafter, take steps for removal of such encroachments by following the principles of natural justice, i.e., issuing notice and providing opportunity of hearing to the unauthorized occupants/encroachers, within a further period of four months."

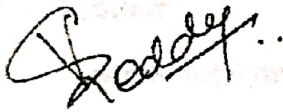
Therefore, in view of the aforesaid orders dated 20-10-2022 passed in W.P (PIL) No.142 of 2021 and batch, all your good offices are hereby humbly requested to take immediate steps to conduct a detailed and comprehensive survey by using the DGPS, GIS Equipment, and AP Cadastral Map, by our presentations into consideration, and to removal the encroachments, as per law, and to complete the said exercise as per the time stipulated by the Hon'ble High Court of Andhra Pradesh i.e., within 6 months from 20-10-2022, in the public interest and oblige.

I herewith enclose copy of the aforesaid orders dated 20-10-2022 in W.P (PIL) No.142 of 2021 and Copies of the GIS survey, which shows that the boundary (from inside corners of the wall) of the Budha Township is constructed in Ac.19.9 Cents, are filed herewith for ready reference. Kindly let me know if any further information and/or data/documents are required from our end.

That I humbly request that I may be informed/intimated, in advance, on all the actions that may be taken on the aforesaid subject/matter.

Thanking you Sirs.

Yours Obediently



(Jangiti Venkata Subba Reddy)

(M) 98666 12227

Encls.:

1. Copy of orders dated 20-10-2022 in W.P (PIL) No.142 of 2021
2. Copy of GIS survey, which shows that the boundary of the Budha Township is constructed in Ac.19.9 Cents

IN THE HIGH COURT OF ANDHRA PRADESH: AMARAVATI**HON'BLE MR. JUSTICE PRASHANT KUMAR MISHRA, CHIEF JUSTICE****&****HON'BLE MR. JUSTICE D.V.S.S. SOMAYAJULU**

W.P (PIL) Nos.108 of 2022; W.P (PIL) Nos.29, 218 & 334 of 2017; W.P.Nos.33722 of 2017 and 37098 of 2018; W.P.(PIL) Nos.121, 151, 163 of 2019; W.P.No.3535 of 2019; W.P. (PIL) Nos.227, 299 of 2020; 128, 139, 142, 148, 157 & 165 of 2021; W.P.No.25115 of 2021; W.P.(PIL) Nos.3, 16, 19, 51, 105, 110, 146 of 2022, W.P.No.32177 of 2022 and W.A.No.546 of 2022.

(Through physical mode)

ORAL ORDER (COMMON)**Dt:20.10.2022**

(per Prashant Kumar Mishra, CJ)

1. These writ petitions, except W.A.No.546 of 2022, have been filed aggrieved by the inaction of the State and its authorities in removing the encroachments over the subject government lands viz., tank lands and road poramboke.

2. W.A.No.546 of 2022 has been preferred against the order dated 05.05.2022 passed by the learned single Judge in W.P.No.6987 of 2022 directing the respondents therein to stop all further constructions and to remove the constructions made for the Grama Sachivalayam and Rytu Bharosa Kendram at the earliest and also directing respondent No.4 therein to ensure restoration of the tank.

3. Since the issue involved in these cases is common, they are heard together and are being disposed of by this common order.

4. The issue of encroachment of government lands/public utility lands vested in the State, which are meant for common benefit of individuals, was considered in detail by the Hon'ble Supreme Court in **Jagpal Singh v. State of Punjab** reported in **(2011) 11 SCC 396**, while dealing with a case of encroachment of village pond. In the said judgment, the Hon'ble Supreme Court, having noted its earlier decisions in **M.I. Builders (P) Ltd. v. Radhey Shyam Sahu** reported in **1999 (6) SCC 464**; **Friends Colony Development Committee v. State of Orissa** reported in **2004 (8) SCC 733** and **Hinch Lal Tiwari v. Kamala Devi** reported in **AIR 2001 SC 3215** (followed by the Madras High Court in **L. Krishnan v. State of Tamil Nadu [2005 (4) CTC 1 Madras]**), issued the following directions as contained in paragraph 22 of the judgment, which reads thus:

"22. Before parting with this case, we give directions to all the State Governments in the country that they should prepare schemes for eviction of illegal/unauthorized occupants of Gram Sabha/Gram Panchayat/Poramboke/Shamlat land and these must be restored to the Gram Sabha/Gram Panchayat for the common use of villagers of the village. For this purpose, the Chief Secretaries of all State Governments/Union Territories in India are directed to do the needful, taking the help of other senior officers of the

Governments. The said scheme should provide for the speedy eviction of such illegal occupant, after giving him a show cause notice and a brief hearing. Long duration of such illegal occupation or huge expenditure in making constructions thereon or political connections must not be treated as a justification for condoning this illegal act or for regularizing the illegal possession. Regularization should only be permitted in exceptional cases e.g. where lease has been granted under some Government notification to landless labourers or members of Scheduled Castes/Scheduled Tribes, or where there is already a school, dispensary or other public utility on the land."

5. It is to be noted that pursuant to the aforesaid directions issued by the Hon'ble Supreme Court, the State Government of Andhra Pradesh framed the Andhra Pradesh Gram Panchayats (Protection of Property) Rules, 2011 (for short, 'the Rules of 2011'), notified vide G.O.Ms.No.188, Panchayat Raj & Rural Development (Pts.IV) Department, dated 21.07.2011. The said Rules provide for the procedure to be followed for protection of Gram Panchayat properties and eviction of encroachments.

6. Despite the directions of the Hon'ble Supreme Court in **Jagpal Singh** (supra) as noted above and despite framing the Rules of 2011, no steps are taken by the authorities of the Gram Panchayat to protect the Gram Panchayat lands from encroachment, and similarly, no steps are being taken by the Government and its authorities in protecting the

government lands. As the public authorities are failing in their duties in protecting the government lands, which are meant for the common use of general public, despite bringing to their notice, public spirited persons are approaching this Court to intervene and direct the public authorities to protect the government lands from encroachments.

7. In identical matters i.e., W.P (PIL) No.140 of 2022 and batch, which were filed alleging inaction of the State and its authorities in protecting the government lands of different classifications, viz., tank land/grama kantham/burial ground/forest land/road margin/play ground/ cart track/hill poramboke/coastal areas/grazing land etc., this Court placing reliance on the aforesaid judgment of the Hon'ble Supreme Court and the Andhra Pradesh Gram Panchayats (Protection of Property) Rules, 2011, issued the following directions:

(i) The executive authority, i.e., Panchayat Secretary, of the respective Gram Panchayats in the State shall identify the Gram Panchayat lands, which are unauthorizedly occupied/encroached, and take steps for removal of such encroachments by issuing notice and providing opportunity of hearing to the unauthorized occupants/encroachers in terms of the procedure prescribed in Rules of 2011. This complete exercise shall be done within a period of six months from today.

(ii) So far as the encroachments over the lands concerning the Municipalities/Forest Department/Revenue Department are concerned, even if no separate Rules have been framed prescribing the procedure to be followed in the matter of removal of encroachments over those lands, the officials of the concerned Departments, i.e., the Departments of Municipal Administration, Forest and Revenue, shall also undertake and complete the exercise of identification of unauthorized occupations/ encroachments over the lands belonging to their respective Departments, within a period of two months from today, and thereafter, take steps for removal of such encroachments by following the principles of natural justice, i.e., issuing notice and providing opportunity of hearing to the unauthorized occupants/ encroachers, within a further period of four months.

8. In view of the fact that the encroachments alleged in the present cases are over the tank lands/government land/road poramboke and the similar issue was dealt with in W.P. (PIL) No.140 of 2022 and batch, we deem it appropriate to dispose of these cases in terms of the judgment in W.P.(PIL) No.140 of 2022 and batch, with the following directions:

"(i) The executive authority, i.e., Panchayat Secretary, of the respective Gram Panchayats shall identify the Gram Panchayat lands/tank lands/road poramboke, which are unauthorizedly occupied/encroached, and take steps for removal of such encroachments by issuing notice and providing opportunity of hearing to the unauthorized occupants/encroachers in terms of the procedure prescribed in Rules of 2011. This complete exercise shall be done within a period of six months from today.

(ii) So far as the encroachments over the lands concerning the Municipalities/Forest Department/Revenue Department are concerned, even if no separate Rules have been framed prescribing the procedure to be followed in the matter of removal of encroachments over those lands, the officials of the concerned Departments, i.e., the Departments of Municipal Administration, Forest and Revenue, shall also undertake and complete the exercise of identification of unauthorized occupations/encroachments over the lands belonging to their respective Departments, within a period of two months from today, and thereafter, take steps for removal of such encroachments by following the principles of natural justice, i.e., issuing notice and

providing opportunity of hearing to the unauthorized occupants/ encroachers, within a further period of four months."

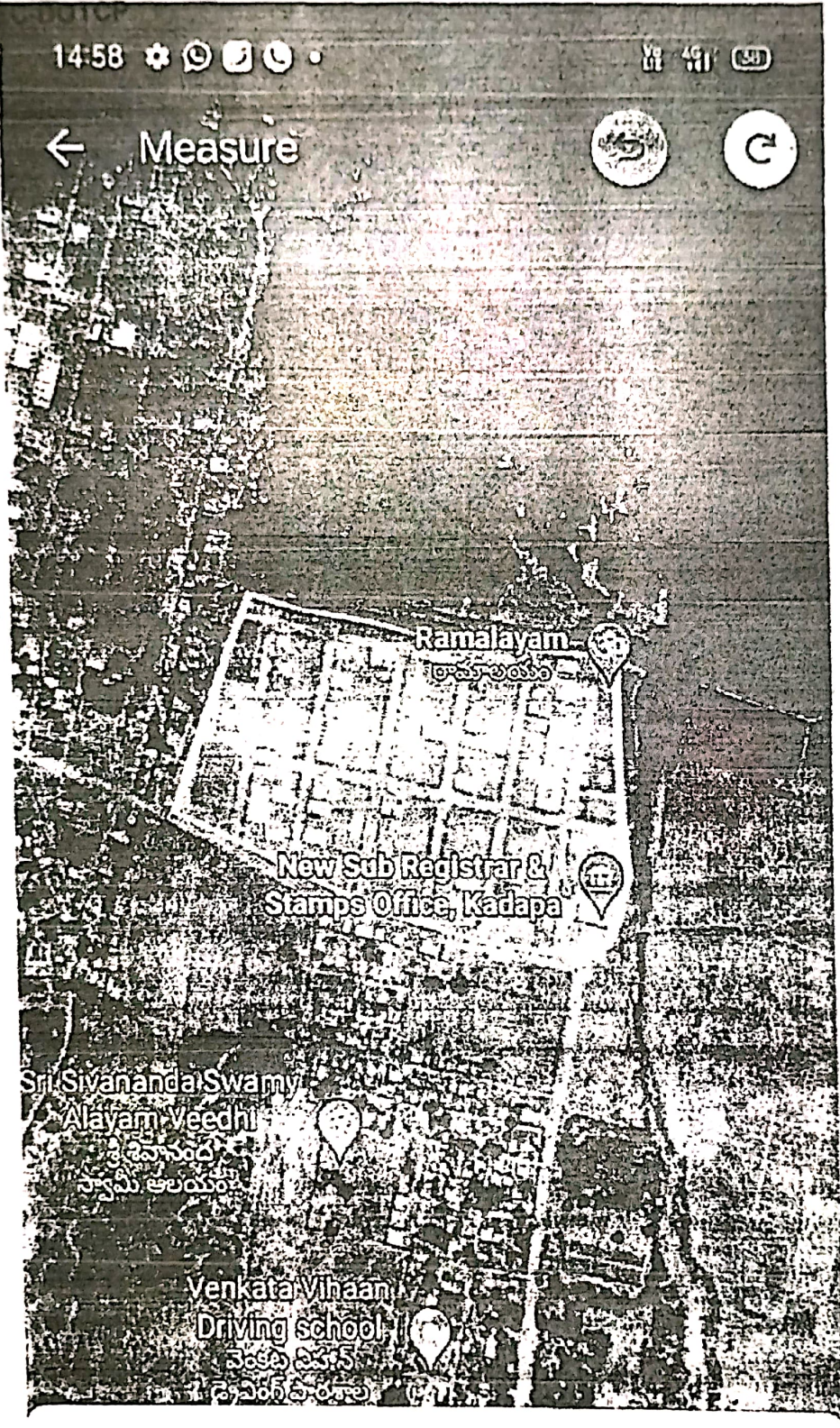
9. With the above directions, the Writ Petitions and writ appeal are disposed of. No costs. Pending miscellaneous applications, if any, shall stand closed.

PRASHANT KUMAR MISHRA, CJ

D.V.S.S. SOMAYAJULU, J

Ksp

87311/2023/O.S
88879/2023/O.S



Perimeter ⓘ

1.14 km ▾

Area

19.9 ac ▾



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Times of India

4.2 FREE



PHONE: 08645295696
EMAIL:dtcp.ap@gmail.com

**GOVERNMENT OF ANDHRA PRADESH
TOWN AND COUNTRY PLANNING DEPARTMENT**

From
The Director of Town and
Country Planning,
Govt., of Andhra Pradesh,
D.No.241, N.H.16, MGM
Capital,
Near NRI Flyover,
Chinakakani,
Mangalagiri - 522 503.

To
1. The Metropolitan Commissioner, VMRDA,
Visakhapatnam
2. The Commissioner, APCRDA, Vijayawada
3. The Vice-chairperson, All UDAs in the State
4. The Municipal Commissioner, All ULBs in the State

Lr. Roc. No.MAU03-17/255/2018-PLG-DOTCP, Dated: 26/05/2023

Sir/Madam,

Sub: O/o DT&CP., A.P., Mangalagiri - Common Order dated 20.10.2022 of the Hon'ble High Court of A.P. in certain W.P.s - Certain instructions - Communicated - Reminder - Reg.

Ref: 1. Lr.Roc.No.17/255/2018/P, dated: 15/11/2022
2. Lr.Roc.No.17/255/2018/P, dated: 27/12/2022
3. Lr.Roc. No.21030/527 /2022/P-I, Dated 07/02/2023 of the Commissioner and Director of Municipal Administration, Vaddeswaram

&&&&

Anent to the references cited, all the UDAs and ULBs in the State are instructed to take immediate necessary action in compliance to the common orders of the Hon'ble High Court dated 20.10.2022.

Encl: As above

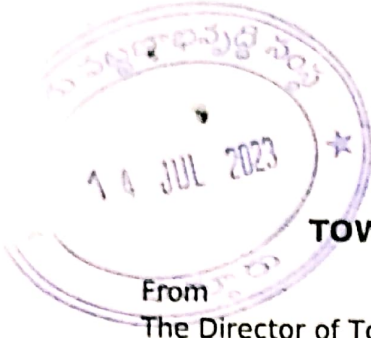
Yours faithfully,

B Srinivasulu
Additional Director

Copy to the Commissioner & Director of Municipal Administration, AP.

Signed by B Srinivasulu
Date: 26-05-2023 11:59:13
Reason: Approved





PHONE: 08645-295969
EMAIL: dtcp.ap@gmail.com

**GOVERNMENT OF ANDHRA PRADESH
TOWN AND COUNTRY PLANNING DEPARTMENT**

From
The Director of Town and
Country Planning,
H.No.241, N.H.16, MGM Capital
Near NRI Fly over, Chinakakani,
Mangalagiri - 522508.

To
The Commissioner, APCRDA
The Metropolitan Commissioner, VMRDA
The Vice Chairperson,
All UDAs in the State
The Commissioner,
All ULBs in the State

*Scanned
Pl. restup.
13/7/2023*

Lr.Roc.No.17/255/2018/P(e-729188), 12/07/2023

Sir/Madam,

Sub: DTCP, AP., Mangalagiri - Municipal Administration & Urban Development Department - Hon'ble High Court - Common Orders dt: 20.10.2022 - Protection of Water Bodies and taking steps on the removal of encroachments over the Government lands - action taken report - Called for - Reg.

- Ref:
1. Govt. Memo. No: 1768517/MA&UD/J2/2022, MA&UD (J2) Dept., Dt. 23-09-2022
 2. T/o Lr. Roc.No.17/255/2018/P Dated: 15/11/2022
 3. CIRCULAR Roc. No.21030/527/2022/P-Sec, dated 08/12/2022 of the C&DMA
 4. T/o Lr. Roc.No.17/255/2018/P Dated: 27/12/2022
 5. T/o Lr. Roc.No.17/255/2018/P Dated: 26/05/2023
 6. Govt. Memo No.1768517/12/2023, MA&UD (I) Dept., Dated:08/06/2023

@@@

Kind attention is invited to the reference 3rd above, wherein the Commissioner & Director of Municipal Administration while communicating Common Orders dt:20.10.2022 of Hon'ble High Court, A.P., requested to take necessary action for the protection of Water Bodies and take steps on the removal of encroachments over the Government lands. Accordingly, vide reference 4th & 5th above, this office while communicating the Common Orders dt:20.10.2022 of Hon'ble High Court, A.P., requested to follow orders of the Hon'ble High Court, A.P.

Further, vide reference 6th above, Government while communicating the Common Orders dt:20.10.2022 of Hon'ble High Court, A.P., requested to

undertake and complete the exercise of Identification of unauthorized occupations/ encroachments over the lands belonging to MA & UD Department within the stipulated time, and thereafter, take steps for removal of such encroachments as per the orders of the Hon'ble High court and furnish action report to Government.

In view of the above, it is requested to furnish action taken report on the Common Orders dt:20.10.2022 of Hon'ble High Court, A.P., immediately so as to enable this office to submit report to the Government.

Encl: As above

Yours faithfully,

Director of Town and Country Planning

Copy to all the RDDTPs / DTCPOs in the state.

Signed by Rj Vidyullatha
Date: 12-07-2023 10:40:08
Reason: Approved

