

1912/2023/IO SEC-DOTCP

5185

20 JUL 2023

// Court Case - WP (PIL) //

// Most Urgent //

**GOVERNMENT OF ANDHRA PRADESH  
MUNICIPAL ADMINISTRATION DEPARTMENT**

The Commissioner & Director of  
Municipal Administration, A.P.,  
Vadgeswaram.

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

**Lr.Roc.No. 21030/527/2022/P-Sec, dated 19/07/2023**

Madam,

P.P. put up.

Sub: M.A. Dept., - APHC - Implementation of Orders of Hon'ble High Court of A.P in various PILs including WP (PIL) No. 41/2023 filed by Sri Marisetti Pothu Raju, S/o Harinadh Baba, Tadepalligudem - Communicated - Action taken report called for - Regarding.

- Ref: 1. Common Order dated 14.09.2022 of the Hon'ble High Court of AP in WP (PIL) 140 of 2022 and batch.  
2. Common orders dated, 20.10.2022 of the Hon'ble High Court of AP in WP (PIL) 108 of 2022 and batch.  
3. Govt., Memo.No.1768517/J2/2022, dated 29.11.2022.  
4. This office Lr.Roc.No.21030/527/2022/P-1, dated 08.12.2022 & 07.02.2023.  
5. Orders dated 10.04.2023 in WP (PIL) No 41/2023 Filed by Sri Marisetti Pothu Raju, S/o Harinadh Baba, Tadepalligudem.  
6. Govt., Memo.No.2058740/H1/2023. dated 04.05.2023.  
7. Govt. Memo No.1768517/I2/2023, dated 08.06.2023 along with Common Orders dated 20.10.2022 of the Hon'ble High Court of AP in WP (PIL) No. 108 of 2022 and batch cases.

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I invite your attention to the references cited and inform that, in the reference 6<sup>th</sup> cited, the Government have informed that, the Hon'ble High Court of Andhra Pradesh have issued Common Orders dated 14.09.2022 in WP (PIL) 140 of 2022 and batch on removal of encroachments over the lands of the Gram Panchayats/ Municipalities/Forest Department/Revenue Department in the State.

2. Further, the Government have informed that, the Hon'ble High Court of AP vide reference 5<sup>th</sup> cited, while reiterating the common orders issued in the reference 1<sup>st</sup> cited (Copies enclosed), have directed the concerned respondent authorities to undertake and complete the exercise of identification of unauthorized occupations/ encroachment/ unauthorized constructions over the subject government land within a period of two months and take steps for removal of such encroachments by following the relevant rules and the principles of natural justice i.e. issuing notice and providing opportunity of hearing to the unauthorized occupants/ encroachers, within a period of four months.

3. In this regard, it is to inform that the Hon'ble High Court of AP has issued the following **Common Orders on 14.09.2022 in W.P (PIL) No.140 of 2022 & batch cases** vide reference 4<sup>th</sup> cited;

" .....

7. *Considering the matter in its entirety and the significant public interest involved, we deem it appropriate to issue the following directions to the authorities:*

- 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.*

.....”

4. Further, the Hon'ble High Court of A.P., has disposed of the **W.P (PIL) Nos.108 of 2022 & batch cases in its common orders dated 20.10.2022** duly stating 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”
5. Further, in similar case i.e., WP (PIL) No.41/2023 filed by Sri Mariseti Pothu Raju, S/o Harinadh Baba, Tadepalligudem, the Hon'ble High Court of AP has allowed the same in the lines of W.P(PIL) No.140 of 2022 & batch.
6. In this connection, it is reminding you that in the reference 4<sup>th</sup> cited, while enclosing the Common orders of the Hon'ble High Court of Andhra Pradesh in WP (PIL) No.140 of 2022 and batch & also the common orders of Hon'ble High Court in WP (PIL) No.108 of 2022 and batch, it was requested to take immediate necessary action for compliance of the said common orders and also requested to prepare an online mechanism for monitoring, process of identification & Removal of encroachments and also submit the action taken reports in 2 spells i.e., (i) Initial report by 10.02.2023 and (ii)Final report by 20.02.2023 for taking further action in the matter. **But, no reports are received by this office so far, in this regard.**

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7. Now, in the reference 7<sup>th</sup> cited, the Government while enclosing the common orders dated 22.10.2022 in WP (PIL) No. 108 of 2022 and batch cases has requested to undertake and complete the exercise of identification of unauthorized occupations / encroachments over the lands belonging to MA & UD Dept., within the stipulated time and thereafter take steps for removal of such encroachments as per the orders of the Hon'ble High Court of AP and furnish action taken report to Government, immediately.

8. I, therefore, once again request you to pay your personal attention on the common orders of the Hon'ble High Court of AP in WP (PIL) No.140 of 2022 & batch, WP (PIL) No.108 of 2022 & batch and WP (PIL) No.41/2023 and send action taken report in compliance to the orders of the Hon'ble High Court of Andhra Pradesh in above Writ Petitions as requested in the reference 4<sup>th</sup> cited, so as to submit a report to the Government, as directed, for taking further necessary action in the matter.

9. This shall be treated as **'top priority & most urgent'** as the subject matter is relating to Public Interest Litigation (PIL) and time bound.

Yours faithfully,

Commissioner & Director

**Encl:** As Above

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

Signed by P Koteswara Rao

Date: 19-07-2023 16:32:55

Reason: Approved

PHONE: 08645-295969  
EMAIL: [dtcp.ap@gmail.com](mailto: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  
1. The Commissioner, APCRDA  
2. The Metropolitan Commissioner,  
VMRDA  
3. All Vice Chairpersons,  
UDAs in the State  
4. All Municipal Commissioners,  
ULBs in the State

Lr.Roc.No.17/255/2018/P(e-729188), 10/08/2023

Sir/Madam,

Sub: DTCP, AP., Mangalagiri - Municipal Administration & Urban Development Department - Hon'ble High Court - Common Orders of the Hon'ble High Court of AP in WP (PIL) No.140 of 2022 & batch, WP (PIL) No.108 of 2022 & batch and WP (PIL) No.41/2023 - Protection of Water Bodies and taking steps on the removal of encroachments over the Government lands - Action taken report called for - reminder - 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. Govt.Memo.No.2058740/H1/2023, MA&UD (H) Dept., Dated:04/05/2023 along with Common Order of Hon'ble High Court of Andhra Pradesh in WP(PIL) 140 of 2022 and batch, dt: 14-09-2022 and Hon'ble APHC Orders dt:10.04.2023 in W.P. (PIL) No.41/ 2023 filed by Sri Mariseti Pothu Raju, S/o.Harinadh Baba, Tadepalligudem
  6. T/o Lr. Roc.No.17/255/2018/P Dated: 26/05/2023
  7. Govt. Memo No.1768517/12/2023, MA&UD (I) Dept., Dated:08/06/2023
  8. T/o Lr.Roc.No.17/255/2018/P(e-729188), 12/07/2023
  9. Lr.Roc.No. 21030/527/2022/P-Sec. dated 19/07/2023 of the C&DMA, A.P.
  - 10.T/o Lr.Roc.No.17/39/2023/P, 21/07/2023

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Kind attention is invited to the reference 3<sup>rd</sup> 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.

Further, vide reference 5<sup>th</sup> above, the Government while reiterating the common orders of Hon'ble High Court of Andhra Pradesh in WP(PIL) 140 of 2022 and batch, dt: 14-09-2022, have directed the concerned respondent authorities to undertake and complete the exercise of identification of unauthorized occupations/encroachments/unauthorized constructions over the subject government land within a period of two months and take steps for removal of such encroachments by following the relevant rules and the principles of natural justice i.e. issuing notice and providing opportunity of hearing to the unauthorized occupants/encroachers, with in a period of four months and furnish the action taken reports to Government within stipulated period.

Further, vide reference 7<sup>th</sup> above, the 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.

Further, vide reference 9<sup>th</sup> cited, the Commissioner and Director of Municipal Administration, Government of A.P., has requested to pay personal attention on the common orders of the Hon'ble High Court of AP in WP (PIL) No.140 of 2022 & batch, WP (PIL) No.108 of 2022 & batch and WP (PIL) No.41/2023 and send action taken report in compliance to the orders of the Hon'ble High Court of Andhra Pradesh in above Writ Petitions as requested in the reference 4<sup>th</sup> cited, so as to submit a report to the Government, as directed, for taking further necessary action in the matter.

In view of the above, vide reference 2<sup>nd</sup>, 4<sup>th</sup>, 6<sup>th</sup>, 8<sup>th</sup> & 10<sup>th</sup> above, this office had requested to furnish action taken report on the Common Orders of the Hon'ble High Court of AP in WP (PIL) No.140 of 2022 & batch, WP (PIL) No.108 of 2022 & batch and WP (PIL) No.41/2023. However, this office has not received action taken reports from any ULBs so far, in this regard.

Hence, it is once again requested to furnish the requisite information and action taken report on the court orders so as to furnish to Government and the Hon'ble High Court.

This shall be treated as **'top priority & most urgent'** as the subject matter is relating to Public Interest Litigation (PIL) and time bound.

Encl: As above

Yours faithfully,

Rj Vidyullatha  
Director

Copy to C&DMA, Govt. of A.P., Vaddeswaram, Mangalagiri with a request to issue necessary instructions to all Municipal Commissioners to furnish action taken report in this regard.

Signed by Rj Vidyullatha

Date: 10-08-2023 13:44:00

Reason: Approved

PHONE: 08645-295969

EMAIL: [dtcp.ap@gmail.com](mailto:dtcp.ap@gmail.com)

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

From  
04/07/2023  
The Director of Town and  
Country Planning,  
H.No. 244, 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

Lr.Roc.No.17/39/2023/P, 21/07/2023

Sir/Madam, necessary  
Sub: DTCP, AP., Mangalagiri - Municipal Administration & Urban Development  
Department - APHC - W.P. (PIL) No.41/2023 filed by Sri Marisetti Pothu Raju,  
S/o. Harinadh Baba, Tadepalligudem - Take necessary action on the orders  
of APHC as per rules - Action taken report - called for - Reg.

Ref: 1. Govt.Memo.No.2058740/H1/2023, MA&UD (H) Dept., Dated:04/05/2023  
along with Common Order of Hon'ble High Court of Andhra Pradesh in  
WP(PIL) 140 of 2022 and batch, dt: 14-09-2022 and Hon'ble APHC  
Orders dt:10.04.2023 in W.P. (PIL) No.41/ 2023 filed by Sri Marisetti  
Pothu Raju, S/o.Harinadh Baba, Tadepalligudem

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Adverting to the subject and reference cited, I herewith communicating  
the copy of the reference above, to take immediate necessary action on the  
orders of Hon'ble APHC and furnish the action taken report within stipulated time.

Encl: As above

Yours faithfully,

Rj Vidyullatha  
Director

Copy to all the RDDTPs / DTCPOs in the state.

Signed by Rj Vidyullatha

Date: 21-07-2023 16:35:22

Reason: Approved



email : rddtp\_antp@rediffmail.com  
Phone / Fax: 08554 274712

GOVERNMENT OF ANDHRA PRADESH

**From**  
The Regional Deputy Director of  
Town Planning, D.No.6-3-77  
Park Lane Ramnagar,  
ANANTAPURAMU.

**To**  
The Vice Chairman,  
AHUDA,PUDA,TUDA,PKM-UDA,  
CHUDA, KUDA,ANUDA

The Commissioner  
All ULBs in the Region

**Lr.Roc.No.556/2023/A5.,Dt.02-08-2023.**

Sir

Sub:- O/o the Regional Deputy Director of Town Planning, Anantapuramu – APHC- W.P(PIL) 140 of 2022 and batch & W.P(PIL).41/2023 filed by Sri Marisetti Pothu Raju,S/o Harinadh Baba,Tadepalligudem- Requested to take necessary action on the orders of APHC as per rules- Action taken report requested-Reg.

Ref:- Lr.Roc.No 17/39/2023/P, dt:21.07.2023 of the DT&CP, Mangalagiri.

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Kind attention is invited to the reference above, wherein the DT&CP has addressed a letter while enclosing the Government Memo along with common orders of Hon'ble High Court, A.P in W.P(PIL) 140 of 2022 and batch, dt:14.09.2022 & W.P(PIL).41/2023 Dt:10.04.2023 on encroachments over the lands concerning the Gram Panchayats/Municipalities/Forest Department/Revenue Department in the state filed by Sri Marisetti Pothu Raju, S/o Harinadh Baba,Tadepalligudem. Further Government have directed the concerned respondent authorities to undertake and complete the exercise of identification of unauthorized occupations / encroachments / unauthorized constructions over the subject government lands within a period of two months and take steps for removal of such encroachments by following the relevant rules.

In view of the above, I am herewith enclosed the copy of directions issued by the Hon'ble High Court of A.P in W.P(PIL) 140 of 2022 and batch, dt:14.09.2022 & W.P(PIL).41/2023 Dt:10.04.2023 and requested to take necessary action and also furnish the same to this office, so as to forward the same to DT&CP,A.P, Mangalagiri.

Yours faithfully,



**Regional Deputy Director of  
Town Planning, Anantapuramu**

Encls:- As above.

S. Anbha  
02/08/23  
TPA (FA)

**APHC Case  
Most Urgent**

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

Memo.No.2058740/H1/2023

Dated:04/05/2023

Sub:- M.A.&U.D. Department - APHC - W.P. (PIL) No.41/2023 filed by Sri Marisetti Pothu Raju, S/o.Harinadh Baba, Tadepalligudem - Take necessary action on the orders of APHC as per rules - Request - Reg.

Ref:- 1.Common Order of Hon'ble High Court of Andhra Pradesh in WP(PIL) 140 of 2022 and batch, dt:14-09-2022  
2. From the Hon'ble APHC, Orders dt:10.04.2023 in W.P. (PIL) No.41/ 2023 filed by Sri Marisetti Pothu Raju, S/o.Harinadh Baba, Tadepalligudem.

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The attention of Commissioner and Director of Municipal Administration, AP, Mangalagiri and Director of Town & Country Planning, AP, Mangalagiri is invited to the references 1<sup>st</sup> cited wherein the Hon'ble High Court of Andhra Pradesh have issued Common Orders on encroachments over the lands concerning the Gram Panchayats/Municipalities/Forest Department/Revenue Department in the State.

2. Further, the Hon'ble High Court of Andhra Pradesh vide reference 2<sup>nd</sup> cited, while reiterating the common orders issued in the reference 1<sup>st</sup> cited (Copies enclosed), have directed the concerned respondent authorities to undertake and complete the exercise of identification of unauthorized occupations/encroachments/unauthorized constructions over the subject government land within a period of two months and take steps for removal of such encroachments by following the relevant rules and the principles of natural justice i.e. issuing notice and providing opportunity of hearing to the unauthorized occupants/encroachers, within a period of four months.

3. They are therefore requested to take immediate necessary action on the orders of Hon'ble APHC in the reference 1<sup>st</sup> and 2<sup>nd</sup> cited and furnish the action taken reports to Government within stipulated period.

4. This shall be treated as "**Most Urgent**".

SYAMALA JAMJAM  
PRINCIPAL SECRETARY TO GOVERNMENT

To  
The Commissioner & Director of Municipal Administration,  
AP, Mangalagiri (w.e.)  
The Director of Town & Country Planning, AP, Mangalagiri (w.e.)

(P.T.O.)

From MAUP Section  
21/05/2023 3:36 PM  
3189  
05 MAY 2023  
Office of the Director  
Municipal Administration  
Mangalagiri

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

WRIT PETITION (PIL).Nos. 140 of 2022, 112 of 2016, 233 of 2020,  
271 of 2020, 317 of 2020, 12 of 2021, 130 of 2021, 208 of 2021,  
240 of 2021, 259 of 2021, 4 of 2022, 94 of 2022, 100 of 2022,  
101 of 2022, 125 of 2022, 128 of 2022, 129 of 2022 & 133 of 2022;  
WRIT PETITION Nos.12511 of 2010, 9470 of 2010, 10778 of 2010,  
25322 of 2011 & 29658 of 2011

*(Through physical mode)*

**COMMON ORDER (ORAL)**

**Dt: 14.09.2022**

*(per Prashant Kumar Mishra, CJ)*

The issue brought before this Court in the present writ petitions filed in the nature of public interest litigation, is regarding the 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. Since the issue is common in all the writ petitions, they are heard together and are being disposed of by this common order.

2. At the outset, we make it clear that though the alleged encroachers of the subject government lands have been made parties to some of the writ petitions, we are not venturing into any independent allegations against any particular individual, and owing to the public interest involved, we would like

**Shyam Sahu** reported in **1999 (6) SCC 464**, wherein restoration of a park after demolition of a shopping complex constructed at a cost of more than Rs.100 crores was ordered. The Hon'ble Supreme Court also referred to its another decision in **Friends Colony Development Committee v. State of Orissa** reported in **2004 (8) SCC 733**, wherein it was held that even where the law permits compounding of unsanctioned constructions, such compounding should only be by way of an exception, and observed that the said decision would apply to the cases of encroachment of village common land with even greater force. The Hon'ble Supreme Court further observed that compounding should only be allowed where the land has been leased to landless labourers or members of Scheduled Castes/Scheduled Tribes, or the land is actually being used for a public purpose of the village. The Hon'ble Supreme Court lastly referred to its decision in **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]**), wherein the Court ordered the respondents therein to vacate the land recorded as a pond, which was illegally occupied by them, after taking away the material of the house constructed therein. The Hon'ble Supreme Court, having noted its earlier decisions referred to above, ultimately 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. Under Rule 2 of the said Rules, the lands belonging to the Gram Panchayats have been classified into three categories, viz., (1) Category-A dealing with own and acquired properties, (2) Category-B dealing with gifts, donations, transfer of lands to Gram

Panchayats and (3) Category-C dealing with properties vested with Gram Panchayats. Rule 3 provides for the procedure to be followed for protection of Gram Panchayat properties, in that, the executive authority (Panchayat Secretary) of the Gram Panchayat is required to prepare inventory of landed properties of the Gram Panchayats based on FMB (Field Measurement Book)/ FSA (Field Survey Atlas) and field inspections and the District Collectors shall instruct the Tahsildars to provide the above information to the executive authority (Panchayat Secretary) and web based solutions may be evolved over a period of time to locate Gram Panchayat lands in the public domain. After obtaining the land inventory details, Grama Sabha shall be convened to validate the information and thereafter, a meeting shall be convened by the Gram Panchayat to discuss and approve the land inventory details by passing a resolution and any objections received shall be settled as per the recorded evidence and then, the land inventory details approved by the Gram Panchayat shall be published in the District Gazette. If any property of the Panchayat is under occupation of any persons, Rule 4 would provide for the procedure for eviction of such encroachments, as per which notice and opportunity of hearing shall be provided to the party concerned before proceeding for eviction. Thus, it is apparent that the scheme formulated by the Government is a self-contained code.

6. It is unfortunate to note that 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, and this is evident from the fact that day in and day out, writ petitions are being filed before this Court, in the nature of public interest litigation, alleging inaction of the authorities of the State Government in protecting the government lands and removing the encroachments. 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. Considering the matter in its entirety and the significant public interest involved, we deem it appropriate to issue the following directions to the authorities:

(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. With the above directions, the writ petitions are allowed. No costs. Pending miscellaneous applications, if any, shall stand closed.

**PRASHANT KUMAR MISHRA, CJ**

**D.V.S.S. SOMAYAJULU, J**

IBL



**IN THE HIGH COURT OF ANDHRA PRADESH: AMARAVATI****HON'BLE MR. JUSTICE PRASHANT KUMAR MISHRA, CHIEF JUSTICE****&****HON'BLE MR. JUSTICE NINALA JAYASURYA****WRIT PETITION (PIL) No.41 of 2023***(Through physical mode)*

Marisetti Pothu Raju S/o. Harinadh Baba,  
Hindu, Male, Age-48 years, Occ-Business,  
R/o.Flat No.2-1, Lekha Vihar, Head Post Office Road,  
Ramaraopeta, Tadepalligudem – 534101.

.. Petitioner

Versus

The State of Andhra Pradesh,  
Rep. by its Principal Secretary,  
M.A & U.D Dept., Secretariat Buildings,  
Velagapudi, Guntur District, and others.

.. Respondents

**ORAL ORDER****Dt: 10.04.2023***(per Prashant Kumar Mishra, CJ)*

Heard the learned counsel for the parties and perused the record.

2. This writ petition, in the nature of public interest litigation, has been preferred seeking the following relief:

“For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon’ble Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the inaction of the Respondents Nos. 2 to 5 in considering the petitioner complaints dtd. 12/04/2022, 04/05/2022 and 29/11/2022 as illegal, arbitrary, contrary to law, violation of principles of natural justice, violation of Articles 14, 19(g) and against the Procedure in 26 of The A.P. Board of

Revenue Standing Orders, consequently direct the Respondent Nos. 2 to 5 to consider the petitioner complaints dtd. 12/04/2022, 04/05/2022 and 29/11/2022 to conduct enquiry against the illegal construction in Government land an extent of Ac.6-07 cents in RS.No.39/1 of Tadepalligudem, W.G. Dist., and to pass such other order or orders as this Hon'ble Court may deem fit just and proper in the circumstances of the case."

3. 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.”

4. Since no steps are being taken by the Government and its authorities in protecting the government lands, despite the directions of the Hon'ble Supreme Court in **Jagpal Singh** (supra) as noted above, and 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.

5. In a batch of such writ petitions, being W.P.(PIL).No.140 of 2022 & batch, 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 judgment of the Hon'ble Supreme Court in **Jagpal Singh** (supra) and the Andhra Pradesh Gram Panchayats (Protection of Property) Rules, 2011 framed by the State Government pursuant to the directions in the said judgment, issued the following directions, vide common order dated 14.09.2022:

(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.

6. Since the issue raised in this writ petition is also concerning alleged encroachment of government land, following the judgment in W.P(PIL).No. 140 of 2022 & batch, we direct the concerned respondent authorities to undertake and complete the exercise of identification of unauthorized occupations/encroachments/unauthorized constructions over the subject government land, within a period of two months from today, and thereafter, take steps for removal of such encroachments by following the relevant rules and 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.

7. With the above direction, this writ petition (public interest litigation) is allowed. No costs. Pending miscellaneous applications, if any, shall stand closed.

**PRASHANT KUMAR MISHRA, CJ**

**NINALA JAYASURYA, J**

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