

Circular Memo No: (R&B) / Rural Roads/ General/ DCE (RR)/ DEE-III/ AE-4/ 2018,

Dated: 30-01-2018

Sub: (R&B) Department – Removal of encroachments under A.P. Land
Encroachment Act 1905 – Registration of FIRs against the (R&B)
authorities – Certain instructions issued - Regarding

Ref: Government Pleader for (R&B) Department, High Court of
Hyderabad, Letter Dated: 19-01-2018

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All the Superintending Engineer (R&B), are informed that the
Government Pleader for (R&B) Department, vide reference cited, has issued
certain guidelines to be followed in case of encroachment removals. A copy of
the reference cited is enclosed herewith.

Hence all the Superintending Engineers are requested to follow these
instructions scrupulously and issue necessary instructions to the officers
under their respective jurisdictions for urgent necessary action.

Encl: Copy of reference cited



for Chief Engineer (R&B),
NABARD, RDF, LWE & AIIB

To,
The Superintending Engineer (R&B),

1. Srikakulam
2. Vizianagaram
3. Visakhapatnam
4. Kakinada
5. Eluru
6. Vijayawada
7. Guntur
8. Ongole
9. Nellore
10. Chittoor
11. Kadapa
12. Anantapur
13. Kurnool

Dt: 19.01.2018

From:

Bokka Satyanarayana,
Govt. Pleader for R & B Dept.
High Court of Hyderabad.
Cell.No.9440126621

To:

1. The Principal Secretary to Govt.
Roads & Buildings Dept.,
Secretariat Buildings, Velagapudi,
Amaravathi, Guntur District.
2. The Engineer-in-Chief,(Admn)
Roads & Buildings Dept.,
Vijayawada, Krishna District.



Sir,

I brought to the notice before the above authorities regarding the removal of encroachments under the A.P. Land Encroachment Act 1905 and Registration of FIRs against the R & B authorities by the Police and non co-operation from the Revenue Authorities. As per the A.P. Land Encroachment Act 1905 the Revenue authorities are only the competent authority to removal of encroachments and protecting the lands of the Government/ R & B Dept by following the due procedure as per the Act 1905. In several cases, entire State of A.P., without following the due procedure as per the Encroachment Act 1905 by the Revenue authorities, they are orally instructing the R & B authorities to remove the encroachments by providing Men & Machinery. Hence, the R & B Authorities are following the instructions of the Revenue authorities and participating the removal of encroachments without taking any proceedings regarding encroachments. At that stage, some of the cases before the Hon'ble Court alleging that the R & B authorities are removing the encroachments without issuing notices, even though Revenue Authorities are the competent to issue notice, but they kept silent and on filing the counters before the Hon'ble Court, stating that there is no involvement of the Revenue authorities. Due to the reason, the Hon'ble Court taking serious view against the R & B authorities and directing the Police to registering the FIR's against the R & B Dept Employees in W.P.No.2776/2017. Hence, I am requesting the R & B authorities without any proceedings from the Revenue Authorities/Municipal/Panchayat Raj as per the A.P. Land Encroachment Act 1905 to removal of Encroachments the R & B authorities need not be provide and need not be involve by providing Men & Machinery. In any case, Revenue authorities followed the procedure by issued proceedings regarding removal of Encroachments under the Encroachment Act 1905 also need not be provide any Men & Machinery due to the reason, the R & B Dept is not the competent authority to removal of encroachments as per the Act 1905 except addressing a letter before the Revenue authorities. In any case, as per the oral instructions or

DCE (RR)

PI Communicate
Copy to all SEs
for urgent
mla

22/1/18 -

urgent

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ACE4
22/1/18

without any proceedings of Revenue authorities or competent authorities / Panchayat Raj authorities / Municipal authorities, the R & B authorities may involve regarding demolition or dispossession for widening of the roads and protecting the lands of the R & B department, the R & B Department authorities may face the consequences before the Hon'ble Court including criminal prosecution. Hence, I am requesting Principal Secretary to Govt., R & B Dept & Engineer-in-Chief, Administration to issue circular or guidelines to the Department concerned to entire State of AP, without any proceedings from the Revenue Authorities / competent authority ^{without} by following procedure under A.P. Land Encroachment Act 1905 no need to participate the demolition activities for widening purpose. If any of the R & B Officer may involve as per the oral instructions of the Revenue/ Municipal & Panchayat Raj or without any proceedings as per A.P. Land Encroachment Act 1905 they may face consequences by individual before the Hon'ble Court they are personally responsible for their illegal activities as per the orders in W.P.No.2776/2017 and requesting the concerned to communicate all Superintending Engineers / Executive Engineers in State of A.P.

Hence information.

Govt. Pleader for R & B Dept

Copy to:

1. The Principal Secretary to Govt., Revenue Dept.,
A.P. Secretariat, Amaravathi, Velagapudi, Guntur District.
2. Engineer-in-Chief's - All Wings
3. All the Chief Engineers,
4. All Supdt. Engineers / Executive Engineers