

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

AND

HON'BLE SRI JUSTICE S.V. BHATT

PIL No. 110 OF 2015

03-08-2015

Between:

Greater Visakha Anti-corruption Porata Samithy, rep., by its Convenor Smt. P. Dhanalakshmi, W/o. P. Ravi Kumar, age 32 years, Occ: Social Worker, office at Block No.10 FF3, Vambey Colony, Gajuwaka, Visakhapatnam, Andhra Pradesh

... Petitioner

And

The State of Andhra Pradesh, rep., by its Principal Secretary, Municipal Administration and Urban Development Authority Department, Secretariat Buildings, Hyderabad and nine others

... Respondents

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HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

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PC: (per the Hon'ble the Acting Chief Justice Dilip B. Bhosale)

Heard learned counsel for the parties.

In the instant public interest litigation (PIL), the petitioner makes the following prayer:

“For the reasons stated in the accompanying affidavit, the petitioner herein prays that this Hon’ble Court may be pleased to issue a writ or order or direction, more particularly one in the nature of writ of Mandamus, declaring the action of the 3rd and 4th respondents in laid B.T. Road for the sole benefit of 10th respondent by spending huge amount of public money in the land of Andhra Pradesh Industrial Infrastructure Corporation Limited (APIIC) land along with Green City compound wall and also part of the land of Gedda and Green Belt in Survey No.74, 75 and 76 of Fakir Tekya Village, Near Jagga Raju Peta, and in Survey No.8, meant for Gedda in Gajuwaka Mandal, Visakhapatnam is arbitrary, bad, illegal and violation of Article 14 of the Constitution of India and contrary to the rules of Greater Visakha Municipal Corporation and consequently direct the Greater Visakha Municipal Corporation (GVMC) to remove the above said B.T. Road which was laid illegally for the sole benefit of respondent No.10 and also to call for the records relating to the above said road from the respondents and direct to take necessary action against the concerned persons and pass such other order or orders as this Hon’ble Court may deem fit and proper in the circumstances of the case.”

The petitioner contends that land of the 6th respondent was acquired for developing industrial belt and in the same land, the 3rd respondent has laid road without permission and without having any authority in law.

Learned counsel appearing for the 6th respondent submits that the 6th respondent has already lodged protest with the 3rd respondent and sought appropriate relief. In any case, the petitioner, in our opinion, has no locus to raise any objection about laying of the road contending that the road is laid only for the benefit of the 10th respondent, when it is being used by everyone. Even if it is assumed that the grievance of the petitioner is correct, the 6th respondent alone has right to raise such objection.

Keeping that in view, we do not find any merit in the PIL. PIL is dismissed.

Dismissal of the PIL shall not preclude the 6th respondent from taking appropriate action, if they so desire, against the 3rd respondent – Corporation.

Miscellaneous petitions, if any, also stand disposed of.

DILIP B. BHOSALE, ACJ

S.V. BHATT, J

03-08-2015

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