

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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WRIT PETITION No.32197 of 2015

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DATED : 06.10.2015

Between :

Smt. R. Parvathi W/o. Late Rama Rao,
Hindu, aged about 40 yrs, R/o.25-1-149/16,
Ward No.52, Zone No.V,
Visakhapatnam

.. Petitioner

and

The State of Andhra Pradesh,
Rep., by its Secretary,
Municipal Administration,
Secretariat, Hyderabad. & others.

.. Respondents

This court made the following :

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ORDER :

This writ petition is filed seeking to declare the high handed action of respondents 2 to 4 in trying to evict the petitioner from her shed bearing D.No.25-1-149/16, covered by Sy.No.293, Ward No.52, Zone No.V, Swatantra Nagar, Gajuwaka, Visakhapatnam by demolishing the same as illegal, arbitrary and consequently to direct the respondents 2 to 4 not to interfere with the petitioner's possession and enjoyment of the shed.

2. When the matter is taken up, learned Standing counsel, on instructions submits that the Corporation received complaint from the 4th respondent alleging that the petitioner has erected a shed in common area and such erection is illegal. Learned standing counsel also submits that the said complaint is pending consideration with the authorities and so far no decision is taken. As and when decision is taken on the said complaint, proper steps would be taken including putting the petitioner on notice and as of now, no action is initiated and the claim made by the petitioner in the writ petition is premature.

3. Apparently, no coercive action is taken against the petitioner. The petitioner only apprehends that since 4th respondent is acting against the interest of the petitioner, based on the steps initiated by the 4th respondent, the Corporation may take action against the petitioner.

4. As stated by the learned Standing counsel, so far no action is taken against the petitioner, therefore, the writ petition in the present form is pre mature. However, it is needless to observe that if a complaint is made by the 4th respondent and complaint requires consideration, the respondent-Corporation shall put the petitioner on notice, give due opportunity of hearing before acting upon the said complaint. The 4th respondent is also entitled to hearing. It is also made clear that no observations are made on the rival claim of the petitioner as well as the 4th respondent.

5. With the above observations, the writ petition is disposed of. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

P.NAVEEN RAO,J

06th October, 2015.

Rds