

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.34373 of 2016

ORDER:

The petitioners pray for the following relief:

“.....to issue an appropriate writ, order or direction, more particularly one in the nature of Writ of Mandamus declaring the action of the 2nd respondent corporation in attempting to demolish the building structure situated in Sy.No.27/1 of Pothinamallayyapalem Village, Viskakhapatnam Municipal Corporation, as illegal, arbitrary, unjust, malafide without proper application of mind, contrary to rules framed under the Municipal Corporation Act and contrary to rights guaranteed under the Constitution of India, particularly Article 14 and 300-A of Constitution of India and apart from violation of principles of natural justice and consequently direct the 2nd respondent not to interfere with the construction activity of the petitioners situated in Sy.No.27/1 of Pothinamallayyapalem Village, Visakhapatnam Municipal Corporation, without following due process of law.....”

Mr.Lakshmi Narayana Reddy, on instructions from respondent No.2, makes a statement that the writ prayer is a mere apprehension and having regard to the fact in issue for consideration by 2nd respondent, the 2nd respondent follows procedure prescribed by law either for cancelling the building permission already granted or for initiating any step that is warranted in the facts and circumstances of this case.

The statement is placed on record.

The Writ Petition is disposed of accordingly. If at all the 2nd respondent intends to proceed against the petitioners, it is needless to observe, as stated by learned Standing Counsel, the petitioners shall be put on notice on all aspects of the matter, heard and comprehensive order is passed.

Miscellaneous Petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.

06th October, 2016
JSU/PRV

S. V. BHATT, J



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Date: 06.10.2016

JSU/PRV