

HON'BLE SRI JUSTICE S.V. BHATT

W.P.No.8848 OF 2012

ORDER:

Visakhapatnam Estate Industrialists Association, represented by its Secretary, filed the instant writ petition for the following relief:

".....this Hon'ble s Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondents in allotting/alienating of plots from out of the area earmarked in the approved layout for common facilities and green belt/open spaces in the approved plan in the Industrial Park, Visakhapatnam - 07, as illegal, arbitrary, improper and contrary to the A.P.I.I.C. Allotment Regulations, 1998 and layout Rules and consequently direct the respondents to follow the Regulations framed by the A.P.I.I.C. and adhere to the layout and pass.....

The admitted details and other circumstances stated by the parties need not be gone into by this court. On 23.03.2016, this Court, having regard to the peculiar facts and circumstances of the case, desired to know from the petitioner Association as to the extent of green belt the members of petitioner's association are maintaining within the industrial plots allotted to them and if the members did not and for whatever reason could not undertake sufficient afforestation either as per the sanction or as is required basing upon the nature of industry, the Court called upon the petitioner to file an affidavit to undertake afore-station within the premises and thereafter appropriate directions will be issued to the APIIC to develop green belt and also protect areas earmarked for common purposes etc. The matter underwent two adjournments.

Learned counsel for the petitioner submits that he is unable to get affidavit of the Secretary of the Association or was successful in persuading the members of petitioner Association to develop green belt in the industrial area. The summary of above narration is the petitioners, without taking up the responsibility of discharging the duty desired to be called upon by this Court, want to complain against the alleged commissions and omissions of respondent in administering the instant industrial estate.

In view of reluctance of the members of petitioner association to work for common good, this Court is of the view that the prayer to interfere their alleged right by way of the above prayer is not available to them. The prayer is rejected.

The writ petition is, accordingly, dismissed. There shall be no order as costs"

Consequently, pending miscellaneous petitions, if any, also stand disposed of.

S.V.BHATT, J _____

Date: 20.04.2016
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