

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.13107 of 2016

ORDER:

Heard Sri Reddy Venkataramana, learned counsel for the petitioner, and Sri S. Lakshminarayana Reddy, learned Standing Counsel for the Greater Visakhapatnam Municipal Corporation (GVMC).

The prayer of the petitioner in this case is as under:

“Hon'ble 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 2nd respondent in permitting the 3rd respondent to construct residential flats encroaching 800 Sq.Yards of the petitioner land out of Ac. 0-64 cents in patta No. 62, Old S.No. 166 and new S.No. 32/5A of Bottavanipalem Village Hamlet of Madhurawada, Chinagadili Mandal, Visakahaptnam without any sanctioned plan as illegal and arbitrary and consequently direct the 2nd respondent to demolish the residential flats constructed on the petitioner encroached land pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

It appears that the GPA holder of the petitioner made representations dated 30.03.2015 and 24.03.2016 to the Commissioner, GVMC, the second respondent, and the same are pending consideration.

In the light of the order proposed to be passed by this Court, there is no necessity to put the unofficial respondent on notice as this Court is not venturing to adjudicate any issue on merits.

As the representations dated 30.03.2015 and 24.03.2016 made by the GPA holder of the petitioner are yet to be acted upon, it is for the authority concerned to apply its mind to the said representations and take action thereon, if warranted, in accordance with the due procedure. In this exercise, the authority would necessarily have to give an opportunity of hearing to all the parties who would be affected by any decision taken upon the representations made by the GPA holder of the petitioner. Adhering to this procedure, the second

respondent shall duly consider the said representations dated 30.03.2015 and 24.03.2016 and take appropriate action in the matter, if warranted, in accordance with law. This exercise shall be completed expeditiously and in any event, not later than four weeks from the date of receipt of a copy of this order.

The writ petition is disposed of with the above directions. Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE SANJAY KUMAR

20.04.2016

GJ