

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.37852 OF 2016

Dated:11.11.2016

Between:

D. Venkata Raju, S/o. D.V. Jagannadha
Raju, aged 68 years, Senior Citizen,
R/o.D.No.43-36-8, Station Road,
Dondaparthu, Visakhapatnam

.. Petitioner

And

Greater Visakhapatnam Municipal
Corporation, rep., by its Commissioner,
Tennery Square, Asilmetta Junction,
Visakhapatnam and others

.. Respondents



The Court made the following:

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ORDER:

Alleging inaction on the part of the respondent – Corporation in initiating action against the 4th respondent for illegal reconstruction made in Plot No.18 in Survey No.328/A in an extent of 344 sq. yards vide proceedings, dated 22.11.2004, this Writ Petition is filed.

2. Except submitting a representation making such allegations and a notice issued way back in the year 2004, no other material is filed to show that illegal construction was made by the 4th respondent and no action was taken by the respondent - Corporation.

3. Learned Standing Counsel for Greater Visakhapatnam Municipal Corporation produced the written instructions furnished to him, which would show that the 4th respondent made illegal construction and action was taken in the year 2004. Subsequently, Railway Station Road was widened to 150' as per the sanctioned Master Plan for which the 4th respondent has given his property to the respondent – Corporation required for road widening and accordingly he was given Transfer Development Right to an extent of 30 yards vide Certificate, dated 17.11.2012. He would further submit that no illegal construction was made by the 4th respondent.

4. Since there is no other material available on record to hold that the 4th respondent has made some illegal construction

and according to the respondent – Corporation, the 4th respondent was granted Transfer Development Right, there is no reason to disbelieve the statement of the respondent -Corporation and to entertain the Writ Petition.

5. The Writ Petition is, accordingly, dismissed. However, if it comes to the knowledge of the petitioner with cogent material that in the guise of utilising Transfer Development Right illegal construction was made by the 4th respondent, it is always open to the petitioner to bring to the notice of the respondent – Corporation to take action against the alleged illegal construction. There shall be no order as to costs.

Miscellaneous petitions, if any, filed in this Writ Petition shall stand closed.

Date:11.11.2016

KH

P. NAVEEN RAO, J

