

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.1159 of 2007

ORDER:

This writ petition is filed under Article 226 of the Constitution of India for the following relief:

“... issue any writ, order or direction particularly one in the nature of Mandamus directing the respondents 1 to 5 not to allow any construction in the lands belong to the 6th respondent Devasthanams by the 7th respondent or any other person without any permission from the Government of A.P. and if constructed, to demolish them forthwith.”

Heard the learned counsel for the petitioners and the learned Government Pleader for the respondents.

A counter affidavit deposited by the Divisional Cooperative Officer, Visakhapatnam, is filed on behalf of the 5th respondent – District Cooperative Officer, Visakhapatnam. Paragraphs 4 and 6 of the said counter read as under:

“4. It is further submitted that Sri M. Hari Prasad, Asst. Registrar verified contents of the petition with reference to the Grampanchayat Devarapalli and Devarapalli Primary Agriculture Cooperative Society records and submitted a report on 05.04.2007. The report reveals that 7th respondent society managing committee has changed their decision to construct the building at S.No.260/3 near to Sri Uma Maheswari Devi devastanam site at Devarapalli village and further resolved to construct the Primary Agriculture Cooperative Society building vide resolution No.4, dated 12.11.2005, and reported the same to the 5th respondent. The 7th respondent society proposed to construct a new building demolishing the existing old building site with ICDP funds.”

6. In reply to para No.9:- It is further submitted that the 5th respondent has not given any direction or permission to construct the new building in the proposed site at Sri Umamaheswari Devi Temple, Devarapalli to the 7th respondent society.”

No counter affidavit is filed by the 7th respondent. In view of the subsequent developments, as stated in the above

paragraphs, this Court deems it appropriate to dispose of the writ petition by placing on record the averments made therein.

The writ petition is accordingly disposed of.

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

A.V.SESHA SAI, J

Date: 20.06.2017
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