

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.17728 OF 2017

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, came to be filed seeking issuance of Writ of Mandamus declaring the action of respondents 2 to 6 in extending support to unofficial respondents by being physically present at the construction spot and allowing the unofficial respondents to construct residential house in Plot No.49 of Patta No.136/1406 of Rajam Village & Mandal, Srikakulam District, as illegal and arbitrary.

Heard the learned counsel for the petitioner and learned Assistant Government Pleader for Home. With their consent, the Writ Petition is disposed of at the stage of admission itself. Since this Court is not going into the merits of the case, there is no necessity to issue notice to unofficial respondents.

Though various grounds are raised in the writ petition, the learned counsel for the petitioner restricts his prayer seeking a direction to respondents 2 to 6 not to extend help to unofficial respondents.

Though no counter is filed, the learned Assistant Government Pleader, on telephonic instructions, while denying the allegations made in the Writ Petition submits that respondents 2 to 6 never helped the unofficial respondents as alleged by the petitioner. However, she submits that a case in crime No.93 of 2017 came to be registered against both the parties under Section 107 of the Code of Criminal Procedure.

Recording the said statement, this Writ Petition is disposed of directing respondents 2 to 6 not to aid the unofficial respondents herein in construction work. However, if they intend to take any action against either of the parties, the same shall only be in accordance with law.

Miscellaneous petitions pending in this writ petition, if any, shall stand closed. No costs.

C. PRAVEEN KUMAR, J

12.06.2017
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