

HON'BLE SRI JUSTICE S. V. BHATT

WRIT PETITION No.20008 of 2017

ORDER:

Heard Mr. V.V.N. Narasimham for petitioner, the Assistant Government Pleader (Assignment) for Respondents 1 to 3 and Sri S. Lakshminarayna Reddy for 4th respondent.

2. The prayer in the writ petition reads as follows:

“..writ of *mandamus* declaring the inaction of the respondents in not considering and passing any orders on the representation submitted by the petitioner herein on 23.08.2016 as arbitrary, illegal, improper and incorrect and consequently direct the respondents herein to pass appropriate orders on the representation submitted by the petitioner herein on 23.08.2016 by protecting the burial ground situated at Sy.No.89/ 1 to an extent of Ac.2.24 cents of Rajeevnagar, Kurmannapalem, Gajuwaka Mandal, Visakhapatnam district”.

3. The representation is against preventing encroachment in to Sy.No.89/ 1 of Rajeevnagar, Kurmannapalem, Gajuwaka Mandal. The petitioner-association, except complaining inaction in disposing of the representation made to the Hon'ble Chief Minister, copies marked to respondents 2 to 5, could not draw the attention of the court to a statutory right vested in petitioner-association or a statutory obligation on respondents to immediately consider and dispose of the representation dated 23.08.2016. The effort of the petitioner is to retain Sy.No.89/ 1 of Kurmannapalem village. If the inaction, as stated in the affidavit, continues the petitioner-association is not prevented to move the competent court for preservation of its right vis-à-vis subject matter of the writ petition. The authorities, in spite of their stand in WP No.5869 of 2005, help any realtor in encroaching the burial ground, they will be doing the same at the risk and expense of litigation. At this stage of the matter, for the above reasons, I do not see any reason to entertain the writ prayer.

4. The writ petition fails and dismissed. No order as to costs. Miscellaneous petitions, if any, pending in this writ petition, shall stand closed.

S V. BHATT, J

Date: 20.06.2017
BSS

HON'BLE SRI JUSTICE S. V. BHATT

48

WRIT PETITION No.20008 of 2017



Date: 20.06.2017

BSS