

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.16784 OF 2017

ORDER:

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

“to issue an appropriate writ order or direction more in the nature of WRIT OF MANDAMUS declaring the proceedings in Rc.No.17719/2016/ACP-II, dated 26.04.2017 issued by the 2nd respondent in the guise of implementing the orders of the Hon'ble High Court made in W.P.No.11076/2017, dated 28.03.2017 as illegal, arbitrary, malafide and contrary to the orders of the Hon'ble Court of the Principal Senior Civil Judge at Visakhapatnam made in I.A.13/2017 in 1.A.1163/2017 in O.S.1588/2016 and also contrary to the appointment of Advocate-commissioner by the Civil Court and consequently direct the respondents 2 and 3 not to remove the structures in D.No.4-72-14 in Sy.No.51/1, Lawsons Bay Colony of Visakhapatnam.”

2. Heard and perused the material available on Court.
3. Learned counsel for the petitioners submitted that the petitioners made the aforesaid constructions after Hud Hud Cyclone with the funds of the Collector; that the petitioners will withdraw O.S.No.1588 of 2016 pending on the file of the Principal Senior Civil Judge's Court at Visakhapatnam; that the petitioners may be permitted to produce all the relevant documents and make an application before the respondent authorities for regularization of the aforesaid constructions and hence, prays to direct the respondent authorities not to take any coercive steps against the petitioners.

4. Considering the facts and circumstances of the case and the submissions of the learned counsel for the petitioners, without going into the merits of the case, this Writ Petition is disposed of with the following directions:-

The respondents are hereby directed not to take any coercive steps against the petitioners basing on the speaking order, dated 26.04.2017, passed by respondent No.2, provided the petitioners produce all relevant documents and make an application for regularization of the aforesaid constructions before the respondent authorities within a period of six (6) months from the date of receipt of a copy of this order and on filing of such an application, the respondent authorities shall consider the same and pass appropriate orders in accordance with law. Failure to produce any relevant documents or make such an application by the petitioners, the respondent Corporation is at liberty to take appropriate action against the petitioners in accordance with law.

5. Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed. There shall be no order as to costs.

JUSTICE RAJA ELANGO

Date:11.07.2017
AMD

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AMD