

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.41009 of 2017

ORDER:

This writ petition is filed seeking verbatim the following relief/s:

‘...to issue a Writ, order or direction, more particularly one in the nature of Writ of Mandamus or any other Writ declaring the inaction of the respondents particularly 3rd respondent in not handing over 10% excessive land in an extent Ac.4.45 cents in Survey No.135/1 and 136/1 situated at Madhurawada Village, Madhuravada Mandal, Visakhapatnam District which was taken for bearing LP.No.13/1996 under Rules Regulation of Visakhapatnam Urban Development Authority has been approved which was taken excessively and same as illegal, arbitrary, in violation of Articles 14, 21 and 300A of the Constitution of India and consequently direct the respondents forthwith release the excess land as per Rc.No.D.Dis.174/91-G4 dated 14.06.1996 and also to take immediate action on the representation dated 18.09.2017 and pass such other order or orders...’

I have heard the submissions of the learned counsel for the petitioner, of the learned Standing Counsel representing the 2nd respondent and also of the learned Standing Counsel representing the 3rd respondent. I have perused the material record.

Learned counsel for the petitioner submits that the petitioner's representation, dated 06.03.2006 and 06.06.2009 addressed to the 3rd respondent are still pending consideration and that if the said respondent is directed to consider and dispose the same, the ends of justice would be met and the grievance of the petitioner would stand redressed.

Learned Standing Counsel representing Visakhapatnam Urban Development Authority (VUDA)-3rd respondent would submit that it is the 2nd respondent who has to take a decision in the matter.

Learned Standing Counsel representing the GVMC-2nd respondent would submit that the Corporation has no role to play in the matter and that the 3rd respondent, at the first instance, has to do the needful.

Having regard to the facts and submissions, the Writ Petition is disposed of directing the 3rd respondent-VUDA to consider the representations, 06.03.2006 and 06.06.2009, of the petitioner and take a decision in the matter in consultation with the 2nd respondent-GVMC. In the event the petitioner's request is rejected, the reasons therefor shall be recorded and shall be duly communicated to the petitioner. The afore-stated exercise shall be completed as expeditiously as possible and not later than four (04) weeks from the date of receipt of a copy of this order.

There shall be no order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

M.SEETHARAMA MURTI, J

06.12.2017
Vjl