

HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

WRIT PETITION No.41366 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, declaring the action of the respondents 2 & 3 in not taking any action to save the Gollapadu Channel inspite of petitioner representation dated 30.10.2017 along with documentary proof regarding encroachment of Gollapadu channel by the 4th respondent, as illegal, arbitrary and unconstitutional, and consequently direct the 2nd respondent to forthwith consider and pass orders on the aforesaid representation of the petitioner with a further direction to respondents 2 & 3 to take all further steps to restore the said the Gollapadu Channel, and pass such other order or orders...’

I have heard the submissions of the learned counsel for the petitioner and of the learned standing counsel representing the 2nd respondent. I have perused the material record.

The main submission of the learned counsel for the petitioner is that the 4th respondent, having obtained a sale deed and rectification deed changing the original boundaries, submitted plans for approval of a lay out to the 2nd respondent Corporation and got approved a lay out by showing Gollapadu channel as a part of the lay out and by showing the Northern boundary as land in Sy.Nos.47 & 48 in which the plots of the petitioner are situate instead of showing the channel as the boundary and that the 4th respondent is now intending to proceed with constructions in such illegally got approved lay out.

At the hearing, learned counsel for the petitioner would submit that if a direction is given to the 2nd respondent to consider and dispose of the afore-said representation of the petitioner, the ends of justice would be met.

Learned standing counsel representing the 2nd respondent, on instructions, would submit that no such representation is received in the office of the Corporation.

Having regard to the facts and submissions, the Writ Petition is disposed of giving liberty to the petitioner to submit a copy of the representation, dated 30.10.2017, to the 2nd respondent within one (01) week from the date of receipt of a copy of this order; the 2nd respondent on receiving such representation shall consider and dispose of the same within four (04) weeks from the date of receipt of the representation, however, in strict accordance with the procedure established by law, and communicate the decision taken thereon to the petitioner within a week thereafter.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

M. SEETHARAMA MURTI, J

14.12.2017

Note: Issue CC in a week.

(B/o)

Vjl