

THE HONOURABLE Dr.JUSTICE B.SIVA SANKARA RAO

Writ Petition No.2847 of 2018

ORDER :

Heard the learned Govt. Pleader for Municipal Administration for respondent No.1 and Sri S. Laxminarayana Reddy, learned Standing Counsel for the GVMC for R.2 and R.3 from oral instructions and perused the writ petition prayer and supporting affidavit and other material on record.

The prayer in the Writ Petition as follows:-

“a writ or order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondent Nos.2 & 3 in threatening to demolish the petitioner's house bearing No.12-3-70 situated at Saradha Colony, Anakapalle village and Mandal, Visakhapatnam District, without following due process of is highly illegal, arbitrary, without jurisdiction, violation of the Article 14,19(g), 21 and 300(A) of the Constitution of India, violation of the principles of natural justice and also contrary to the provisions under Municipal Act and consequently direct the respondents not to demolish the petitioner's above said property without following due process of law and to pass such other order or orders as this Hon'ble Court may deemed fit and proper in the circumstances of the case.”

The petitioner is unable to say how he got right over the property in question once it is a private property and question of assigning much less by the Government or any of the officers of the Government does not arise.

On the other hand, it is the submission of learned Standing Counsel that it is the lay out-open place for common purpose of the colony by name Sarada Nagar which is unauthorizedly occupied by the petitioner and is to be evicted.

As no one can take law into hands except through due process of law, if at all the respondents to evict the petitioner, if not entitled to continue in the property and the respondents shall follow due process of law.

Having regard to the above, the Writ Petition is disposed of. Miscellaneous petitions, if any, pending shall stand closed.

Date:31.01.2018
vvr

Dr. B. SIVA SANKARA RAO J,

