

THE HONOURABLE SRI JUSTICE P.KESHA RAO

WRIT PETITION No.11075 of 2016

ORDER:

The prayer sought for in this writ petition is as under :

“To issue a writ, order or direction, more particularly one in the nature of Writ of Mandamus by declaring the action of the respondent No.2 in not releasing the mortgage executed in its favour for the property admeasuring 622.20 sq. yards or 520.240 sq. mtrs., in RS No.428/1,2,429/3, 429/3, 421/1, 2 in Plot Nos. 63 and 64 situated at Film Colony, Gunadala village, Vijayawada Municipal Corporation, Andhra Pradesh even after issuing the proceedings vide BPS/VIJ/C2/22/0250815, dated 4.2.2016 as illegal, arbitrary, capricious and in violation of principles of natural justice and Article 300-A of the Constitution of India and contrary to G.O.Ms.No.128 of Municipal Administration and Urban Development (M1 Department), dated 22.05.2015 and consequently direct the respondent No.1 to release the occupancy certificate for the RCC residential apartments situated at Plot No.63 and 64 in RS No.428/1,2, 429/3, 41/1, 2 of Film Colony, Gunadala Village, Vijayawada Municipal Corporation, Andhra Pradesh”.

There is no representation on behalf of the petitioner.

Heard the learned Standing Counsel appearing for the respondent No.2-Corporation.

The learned Standing Counsel would contend that no further orders are required in the writ petition, since the prayer sought for in the writ petition has already been granted by the respondent No.2-Corporation, pursuant to filing of the Contempt Case No.755 of 2016. The said Contempt Case is also closed on 6.4.2018, by virtue of release of the mortgage deed executed in favour of the respondent No.2-Corporation and also issuance of the occupancy certificate infavour of the petitioner.

To substantiate the same, the learned Standing Counsel appearing for the respondent No.2-Corporation has placed on record the proceedings issued by the Commissioner of the respondent No.2-Corporation, dated 29.11.2016 requesting the Joint Sub Registrar Office, Vijayawada East, Vijayawada to release the mortgage deed furnished by the petitioner.

Taking the said facts into consideration, this Court feels that no further orders are required in the writ petition. Accordingly, the writ petition is closed. No order as to costs.

Miscellaneous petitions, pending if any, shall stand closed.

JUSTICE P.KESHAVA RAO

Date : 24.04.2018
slk



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