

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

WRIT PETITION No.6523 of 2018

ORDER:

Heard learned counsel for the petitioner, learned Government Pleader for Municipal Administration for respondent No.1 and Sri Laxmi Narayana Reddy, learned Standing Counsel for respondent Nos.2 to 4 from the oral instructions and perused the prayer in the writ petition with the supporting affidavit.

The prayer in the writ petition reads as follows:

“.....to pass an order or orders or direction more particularly one in the nature of a writ of Mandamus declaring the actions of the Respondents 2 to 4 in interfering with the possession of the petitioner's plot of land admeasuring 500 square yards situated in Sy.No.351/5 with Door No.5-140, Narava Village, Sattivanipalem Panchayat, Pendurthy Mandal, Vishakapatnam and trying to demolish the compound wall and shed of the petitioner as wholly illegal, arbitrary, unjust, contrary to principles of natural justice, provisions of GHMC Act, 1955, besides being violative of Article 14, 21 and 300-A of Constitution of India and consequently direct the respondents to refrain from demolishing the structures and dispossessing the petitioner from his plot of land admeasuring 500 square yards situated in Sy.No.351/5 with Door No.5-140 Narava Village, Sattivanipalem Panchayat, Pendurthy Mandal, Vishakapatnam and pass such other order or orders.....”

It is the submission of the learned Standing Counsel that they are following due process of law to remove the unauthorized construction made by the petitioner without approved plan. Needless to say if at all it is liable to be regularized subject to compliance with the statutory requirements if any, the respondents can consider as part of his explanation to the show

cause notice to be issued for the so called unauthorized construction apart from any independent application if filed or to be filed soon.

Having regard to the above, this Writ Petition is disposed of.

Consequently, miscellaneous petitions, if any shall stand closed. No costs.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 27.02.2018
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