

THE HONOURABLE Dr.JUSTICE B. SIVA SANKARA RAO

Writ Petition No.7317 of 2018

ORDER :

Heard the learned counsel for the petitioner and the learned Govt. Pleader for Municipal Administration and Revenue for R.1 and R.3 and Sri S.Lakshminarayana Reddy learned standing counsel offers to appear from oral instructions for 2nd respondent-Greater Visakhapatnam Municipal Corporation and perused the prayer in the writ petition with supporting affidavit and material on record.

2. The prayer in the Writ Petition reads as follows:-

“To issue a writ, order or direction more particularly one in the nature of mandamus, declaring the action of the 2nd respondent in interfering, without initiating any proceedings known to law and without setting in motion land acquisition proceedings, with the petitioner's peaceful possession and enjoyment of her property, covered by premises bearing No.10-1/2, situated over an extent of Ac.0.04cents of land in Sy.No.107/ 17 of Chinamushidiwada village, Pendurthi Mandal, Visakhapatnam District, as illegal, without jurisdiction and violative of Articles 14,21 and 300-A of the Constitution of India, and consequently direct the 2nd respondent to refrain from doing so, and pass such other order or orders.”

3. It is the supporting affidavit averments of the writ petitioner that the respondents are trying to take law into their hands without following due process of law by interfering with the private property of the petitioner.

4. It is the submission of the learned standing counsel for 2nd respondent and the learned Govt. Pleader that they follow due process of law if at all any private property of the petitioner is required for road widening.

5. By recording the above submission of the learned standing counsel and the learned Govt. Pleader, the Writ Petition is disposed of with a direction to the respondents not to interfere and dispossess the petitioner from their private property except through due process of law.

Consequently, miscellaneous petitions, if any, pending shall stand closed.

Date:07.03.2018
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Dr. B. SIVA SANKARA RAO J,