

HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI

WRIT PETITION No.13617 of 2009

ORDER:

This writ petition is filed to declare the action of the respondents in taking steps to demolish structures in the petitioner's land in an extent of 300 sq. yards in Plot No.12 in Sy.Nos.28/2B, 2C and 3A situated at Gowri Nagar, Buchirajupalem, Visakhapatnam, without following due process of law, as illegal and arbitrary.

The case of the petitioner is that he is the absolute owner of the subject premises and the respondents, without following due process of law and without issuing any notice, are trying to forcibly demolish the structures raised by him.

The 2nd respondent has filed counter affidavit stating on the northern side of the layout bearing No.48/69, there was an existing 70 feet road and subsequently, the existing 70 feet road has been widened as 100 feet road for laying pipe line. The petitioner has constructed commercial complex and got it regularized on 29.12.2017. In the year 2009, while laying drain on the edge of 100 feet road, two steps, which were constructed by the petitioner, were removed, as the petitioner has encroached a portion of 100 feet road and constructed steps. The respondent Corporation did not take any steps to demolish any part of the structures of the building belonging to the petitioner. It is further stated that Plot Nos.5, 10, 11 and 12 have nothing to do with the petitioner's site as the said plots fall in Sy.Nos.12/1C, 4C, 4D, 4E and 4F of Buchirajupalem, which are far away from the petitioner site. Therefore, the writ petition is liable to be dismissed.

Heard learned counsel for the petitioner and the learned Standing Counsel for GVMC.

In view of the categorical statement made by the 2nd respondent that the petitioner has encroached a portion of 100 feet road and constructed steps and the same were removed in the year 2009 and that the Corporation did not take any steps to demolish any part of the building of the petitioner, no further orders are necessary in this writ petition.

The writ petition is accordingly closed. There shall be no order as to costs.

Miscellaneous Petitions pending, if any, shall also stand dismissed.

Date: 12.11.2018
Prv

KONGARA VIJAYA LAKSHMI, J

