

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.21606 of 2018

ORDER:

Heard learned counsel for the petitioner and Sri S.Laxminarayana Reddy, learned Standing Counsel for the respondent-GVMC.

Earlier, petitioner herein filed W.P.No.12816 of 2018 before this Court, wherein this Court, in I.A.No.01 of 2018, passed an interim order on 24.04.2018. The said order reads as under:

“There shall be interim direction, as prayed for, till the third respondent disposes of the petitioners’ request dated 10.10.2017 (Ex.P1)”

Aggrieved by the said order, the respondent-Greater Visakhapatnam Municipal Corporation carried the matter in W.A.No.780 of 2018. The Division Bench, while setting aside the above said order, disposed of the said Writ Appeal. The operative portion of the said order reads as under:

“The GVMC shall, within 10 days from the date of receipt of the respondents-writ petitioners’ representation, pass a reasoned order considering all the contentions raised in the representation, communicate the said order to the respondent-writ petitioner, and thereafter take action in accordance with law. Needless to state that, in case the respondents-writ petitioners are not able to show that they do not require prior clearance from the Costal Zonal Management Authority, it is open to the GVMC to take action, against the construction raised by them, in accordance with law since, admittedly, no permission from the Costal Zonal

Management Authority has been obtained by the respondents-writ petitioners. It is made clear that, if the respondent-writ petitioner fails to submit their representation to the Commissioner, GVMC within ten days from today, it is open to the appellants to proceed and take action in accordance with law, without awaiting receipt of the respondent-writ petitioner's representation.

Both Sri G.Venkata Reddy, learned counsel for the respondents-writ petitioners, and Sri S.Lakshminarayana Reddy, learned Standing Counsel for the GVMC, agree that, in the light of the order now passed by this Court, the cause in the writ petition does not survive.

Consequently, the order under appeal is set aside and both the Writ Appeal and the Writ Petition are disposed of in terms of the directions issued hereinabove. Miscellaneous Petitions pending, if any, shall also stand disposed of. There shall be no order as to costs".

According to the petitioner, pursuant to the above said order, passed by the Division Bench of this Court, she submitted a representation, dated 12.06.2018, to the Commissioner, GVMC-second respondent herein. The very basis for filing the present Writ Petition is stated by the writ petitioner, at paragraph No.12 of the writ affidavit. While referring to the above said paragraph, it is submitted that the respondents herein may resort to highhanded action without considering the said representation.

On the other hand, it is submitted by the learned Standing Counsel that there is absolutely no cause of action for filing the present Writ Petition and there is absolutely no

basis for the said apprehension. Since the Division Bench of this Court already kept it open for the petitioner herein to make a representation, which the petitioner already submitted, in the absence of any basis for the above said apprehension, this Court is not inclined to entertain the Writ Petition.

Accordingly, Writ Petition is dismissed. There shall be no order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

27th June, 2018
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A.V.SESHA SAI,J