

HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.22508 of 2018

ORDER:

Heard Mr.K.V.L.Narasimha Rao for petitioner and the learned Assistant Government Pleader (Assignment) for respondents.

The petitioner complains against the threatened demolition of structures in the house property bearing No.4-88-24/1 admeasuring 388 sq. yards situated at Kothabomma Centre, Tadepalligudem Village and Mandal, West Godavari District, without recourse to law, as arbitrary and unconstitutional.

The Assistant Government Pleader refers to the undertaking given by petitioner for removing encroachments by 27.06.2018 and contends that the petitioner in all fairness ought to have disclosed the undertaking given to respondents. Since in the case on hand, the material fact is suppressed, according to him, the petitioner is not entitled to any relief. He further submits that by the time the writ petition is filed, the petitioner on his own has removed the unauthorized/illegal structures in the premises, referred to above.

I have perused the written instructions and also taken note of the limited submissions made by the counsel.

Keeping in view the undertaking given by petitioner and also the fact that the unauthorized/illegal structures in the house property are already demolished and removed, the writ prayer is rendered ineffective.

Mr. Narasimha Rao though tried to persuade the Court to protect the structures existing in the house property, I am convinced that the petitioner failed to make out a right for seeking enforcement under Article 226 of the Constitution of India.

The writ petition fails and is accordingly dismissed. However, the petitioner is given liberty to work out all reliefs by filing suit before the court of competent jurisdiction. No order as to costs.

Miscellaneous petitions, if any, pending, shall stand closed.

Date: 04-07-2018

Note:

Issue C.C. in three days

(B/o)

Prv

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S. V. BHATT, J



