

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.32594 OF 2018

ORDER :

Heard learned counsel for the petitioners, Sri S.Laxminarayana Reddy, learned Standing Counsel for GVMC, appearing for respondent Nos.1 and 3, and Sri K.V.Simhadri, learned counsel for the second respondent, apart from perusing the entire material available before this Court.

In the present Writ Petition, the grievance of the petitioners herein is the alleged inaction, on the part of the respondent authorities, in demolishing the compound wall and the structures, said to have been constructed by the fourth respondent herein, contrary to the direction of this Court in W.P.No.25859 of 2011, dated 15.09.2011.

Admittedly, fourth respondent herein filed W.P.No.25859 of 2011 before this Court, wherein this Court, on 15.09.2011, passed the following order:

"Pending further orders, the respondents shall not remove any structures in existence as on today in plot Nos.51 and 52, Balaiah Sastry Layout (LP.5/80) Division-II, Visakhapatnam. The petitioner shall not raise any further construction".

As stated supra, the grievance of the petitioners herein is that, in violation of the above order, passed by this Court, fourth

respondent herein is raising constructions. It is not in dispute that the petitioners herein filed an application in the said Writ Petition and got themselves impleaded and that a vacate stay application is also filed and is pending.

Learned counsel for the petitioners submitted that, despite the orders of this Court, fourth respondent herein is undertaking the construction work and inspite of the statutory duty cast upon the respondent authorities they are not taking any action.

Since the allegation of the petitioners, in the present Writ Petition, is the alleged violation, on the part of the respondent authorities, in the considered opinion of this Court, this Writ Petition is not maintainable under Article 226 of the Constitution of India. However, it is open for the petitioners herein to avail the remedies open for the disobedience, if any, on the part of the fourth respondent.

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

As a sequel thereto, miscellaneous petitions pending, if any, shall stand closed.

A.V.SESHA SAI, J

12th September, 2018
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