

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.45300 of 2018

ORDER:

1) Heard both sides. With the consent of both parties, the writ petition is disposed of at the admission stage.

2) The present writ petition came to be filed seeking issuance of writ of mandamus declaring the action of respondent No.3 and his subordinates in threatening to demolish the petitioners' compound wall of their total layout site, admeasuring 1170 square yards in Survey No.79/11 of Chinagantyada village, Gajuwaka mandal, Visakhapatnam, at the instance of the unofficial respondents, as arbitrary and illegal.

3) A perusal of the affidavit filed in support of the writ petition would show that the unofficial respondent and the petitioners created access to the 15 feet width road from east to west. The eastern side boundary of the total site is a compound wall which was created for exclusive usage by the petitioner. It is the case of the petitioner that the official respondents are trying to interfere with the compound wall constructed by the petitioner and are intending to demolish the same, without following due process of law.

4) Sri Mangena Sree Rama Rao, learned counsel for the petitioner would contend that if there is any dispute with the

unofficial respondent, the same would be agitated before the civil Court, and that the official respondents are interfering with the property, inspite of the same being constructed in accordance with law.

5) Sri S.Laxminarayana Reddy, learned Standing Counsel while denying the allegations made against the official respondents, would contend that towards any construction made in the site, without following the process of law, the Municipal Corporation, Visakhapatnam, has every right to take steps, in accordance with law.

6) The said fact is not disputed by the learned counsel for the petitioner.

7) Since the grievance of the petitioner is only against the officials, who are trying to interfere with the property in dispute, the writ petition is disposed of directing the Municipal Corporation Officials, not to interfere with the layout site, admeasuring 1170 square yards in Survey No.79/11 of Chinagantyada village, Gajuwaka mandal, Visakhapatnam, except in accordance with law.

8) There shall be no order as to costs. As a sequel thereto, miscellaneous petitions pending if any, shall stand closed.

JUSTICE C. PRAVEEN KUMAR

Dt: 14.12.2018
vhh