

HONOURABLE SMT. JUSTICE V. SUJATHA

Writ Petition No.5246 of 2011

ORDER:

The writ petition is filed under Article 226 of the Constitution of India seeking the following relief:

“to issue a Writ or Order more in the nature of Mandamus in declaring the action of the respondents in demolishing the compound wall and commencing Sports Complex at Pedagantyada post office site near Gajuwaka, Visakhapatnam as illegal, arbitrary and violative of principles of natural justice.”

2. The case of the petitioner, in brief, is that the 3rd respondent District Collector, Visakhapatnam allotted Pedagantyada Post Office site to the Department of Posts vide its proceedings RC.No.258/80.SDC(Reh)A, dated 19.09.1983 for construction of post office building and the said site was handed over to the Department of Posts on 20.11.1984 on payment of Rs.60,000/- towards site cost. Thereafter, a compound wall was constructed by incurring a sum of Rs.1,87,200/-. While so, in the month of 2006, the compound wall of the post office site on two sides was demolished by the 1st respondent authorities without any notice or without initiating any proceedings under the law. It is stated that as per Resolution Nos.118 and 119 dated 16.02.2008, the 1st respondent Municipal Corporation had initiated action for construction of Sports Complex in the subject site and the 1st Respondent Corporation has allotted alternative site to the

petitioners. Aggrieved by the said highhanded action, the present writ petition is filed.

3. Heard Sri Josyula Bhaskara Rao, learned standing counsel appearing on behalf of the petitioners and Sri S. Lakshminarayana Reddy, learned standing counsel for the 1st respondent-Corporation.

4. This court, on 04.03.2011, while admitting the writ petition, passed an order directing the respondents not to interfere into the peaceful possession of the petitioner's Pedagantyada Post Office site near Gajuwaka, Visakhapatnam.

5. No counter has been filed by the 1st respondent Corporation.

6. When the matter came up for hearing, Sri S. Lakshminarayana Reddy, learned standing counsel for the 1st respondent-Corporation, stated, on instructions, that in pursuance of the interim order granted on 04.03.2011, the 1st respondent authority have not interfered with the possession of the petitioner.

7. In the facts and circumstances of the case and in view of the submission of the learned standing counsel that the 1st respondent authority is not interfering with the possession of the petitioner, the writ petition is disposed of directing the respondents to follow the due process of law if at all they

intend to interfere with the possession of the petitioner. There shall be no order as to costs.

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

V. SUJATHA, J

Date: 30.04.2022

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