

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.6792 of 2016

ORDER:

Heard Sri M. Mehdi Hussain, learned counsel for the petitioners, and Sri S.D. Gowd, learned Standing Counsel for the second respondent Corporation.

The prayer of the petitioners in this case is as under:

“For the reasons stated in the accompanying affidavit it is prayed that this Hon'ble Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of writ of MANDAMUS declaring the inaction on the part of the 2nd respondent Kurnool Municipal Corporation and its subordinates in taking action for cancellation of permissions, sanctions, tax assessments, water tap connections, allotment of door numbers, by mutating the same in the name of the Wakf Institution in respect of the Wakf Properties bearing Sy Nos 128, 317, 320, and 340 of an total extent of Ac 44-58 cents situated in Kurnool Mandal and Town having received the various representations, Notice, letters from the Statutory Body dated 16-12-2015 and from the Government dated 6-12-2015 as being illegal, Arbitrary, Capricious, Mala fide, amounts to dereliction of duties consequently direct the 2nd respondent Corporation not to accord any permissions, sanctions, water tap connections, door numbers, tax assessments etc in respect of above mentioned Wakf Property and pass such other order or orders as this Honourable Court may deem think fit and proper in the circumstances of the case.”

It appears that the petitioners made representation dated 25.11.2015 to the second respondent Corporation and the same is pending consideration.

As the representation dated 25.11.2015 made by the petitioners is yet to be acted upon, it is for the authority concerned to apply its mind to the said representation and take action thereon, if warranted, in accordance with the due procedure. In this exercise, the authority

would necessarily have to give an opportunity of hearing to all the parties who would be affected by any decision taken upon the petitioners' representation. Adhering to this procedure, the second respondent Corporation shall duly consider the petitioners' representation dated 25.11.2015 and take appropriate action in the matter, if warranted, in accordance with law. This exercise shall be completed expeditiously and in any event, not later than three weeks from the date of receipt of a copy of this order.

The writ petition is disposed of with the above directions. Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE SANJAY KUMAR

2nd March, 2016

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