

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.6308 of 2016

ORDER:

Heard Sri A.V.L.S. Prakash, learned counsel for the petitioner, and Sri Chatla Madhu, learned Standing Counsel for respondent Nos.2 to 4 – Greater Hyderabad Municipal Corporation.

The prayer of the petitioner 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 Writ, order or direction, more particularly one in the nature of a Writ of Mandamus declaring the action of the respondents 1 to 4 herein in not initiating action against the illegal construction undertaken by the 5th respondent herein in the premises bearing H.No.11-2-298, behind Bank of Baroda, Mylargadda, Seethaphalmandi, Secunderabad-61 is illegal, arbitrary, unconstitutional and contrary to the provisions of the A.P. Municipalities Act, 1965, and the Rules made thereunder and consequently direct the respondents 1 to 4 to forthwith demolish the illegal constructions being made by the 5th respondent in premises bearing H.No.11-2-298, Behind Bank of Baroda, Mylargadda, Seethaphalmandi, Secunderabad and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

It appears that the petitioner made representation dated 10.02.2016 to the Special Officer and Commissioner, Greater Hyderabad Municipal Corporation, Hyderabad, the 3rd respondent, and the same is pending consideration.

In the light of the order proposed to be passed by this Court, there is no necessity to put the unofficial respondent on notice as this Court is not venturing to adjudicate any issue on merits.

As the representation dated 10.02.2016 made by the petitioner 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 petitioner's representation. Adhering to this procedure, the 3rd respondent shall duly consider the petitioner's representation dated 10.02.2016 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

26.02.2016

GJ