

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No. 13830 of 2016

ORDER:

Heard Sri S. Srinivasa Sarma, learned counsel for the petitioners, and Sri Pasham Krishna Reddy, learned Standing Counsel for GHMC.

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

“It is therefore prayed that this Hon'ble Court may be pleased to issue Writ Order or Direction more particularly one in the nature of WRIT OF MANDAMUS, declaring the inaction of the respondents 2 & 3 on the representation of the petitioners dt. 1-4-2016 made to them in taking action against the Respondents 4 & 5 who made unauthorized constructions of mulgies in the property of the petitioners bearing H.No. 20-3-202 to 216, 217 to 224 situated at Hussaini Alam, Hyderabad without any permission by the Respondents 2 and 3 to declare the same as illegal, arbitrary, violation of provisions of Municipalities Act as well as violation of Article 14, 16 and 21 of Constitution of India and for consequential direction to the respondents 2 & 3 to take immediate action against the Respondents 4 & 5 who unauthorizedly made illegal construction of mulgies over the above said petitioners property and such other order or orders that are deemed fit and proper in the circumstances of the case.”

It appears that the petitioners made representation dated 01.04.2016 to the Commissioner, Greater Hyderabad Municipal Corporation, the second 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 respondents on notice as this Court is not venturing to adjudicate any issue on merits.

As the representation dated 01.04.2016 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 shall duly consider the petitioners' representation dated 01.04.2016 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 four 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

Date: 22.04.2016

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