

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.9185 of 2016

ORDER:

Heard Sri A. Arun Kumar Doddla, learned counsel for the petitioner, and Sri N. Ashok Kumar, learned Standing Counsel for the 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 hereby prayed that this Hon'ble Court may be pleased to issue a Writ of Mandamus or any other Writ, order or orders, direction or directions, declaring the inaction of the respondents 1 to 4 in not initiating any action on the illegal construction being made by the 5th Respondent on the property bearing H.No.19-2-21/23/25/3, Basharith Nagar, Kalapathar, Hyderabad, as illegal, arbitrary and contrary to the GHMC Act., and rules framed thereunder and to issue a consequential direction to the Respondents 1 to 4 to forthwith initiate action on the illegal construction being taken up by the 5th Respondent on the property bearing H. No. 19-221/23/25/3, Basharith Nagar, Kalapathar, Hyderabad by taking into consideration the Representation of the Petitioner dt.14-03-2016 and may pass any 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 14.03.2016 to the Commissioner, Greater Hyderabad Municipal Corporation, the first 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 14.03.2016 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 first

respondent shall duly consider the petitioner's representation dated 14.03.2016 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

21.03.2016

GJ