

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.9220 of 2016

ORDER:

Heard Sri J.U.M.V. Prasad, learned counsel for the petitioner, and Sri Nimmagadda Venkateswarlu, learned Standing Counsel for the third respondent.

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, order or direction more particularly one in the nature of Writ of Mandamus, declaring the action of the 3rd respondent in not taking any action against the 4th respondent in not taking any steps for removal of the obstruction caused for the ingress and egress of the petitioner to reach his abode from Brundavanam to Kota Katta of Kandukur even in spite of directions from the respondent No.2 on 13.8.2014 and 18.12.2014 even after lapse of more than one and half years as being illegal, arbitrary and is in violation of Articles 14 and 21 of the Constitution of India, and consequently direct the 3rd respondent to take action against the 4th respondent forthwith and to remove the illegal construction made on the road leading from Brundavanam to Kota Katta of Kandukur which is earmarked for ingress and egress of the petitioner and other residents at Kota Katta, and to pass such other order or orders may deem fit and proper.”

It appears that acting upon the representation made by the petitioner, the District Collector, Prakasam District, addressed letters dated 13.08.2014 and 18.12.2014 requesting the Commissioner, Kandukur Municipality, to enquire into the matter and take necessary action as regards the alleged illegal construction made by the unofficial respondent. However, the complaint of the petitioner is that no steps have been taken thereafter.

As the Municipality is yet to take action pursuant to the letters dated 13.08.2014 and 18.12.2014 of the District Collector, Prakasam

District, it is wholly premature at this stage for this Court to entertain this writ petition for adjudication on merits when the authority concerned is yet to apply its mind in the matter and take a decision. Further, this Court deems it unnecessary to put the unofficial respondent on notice as the writ petition is being disposed of without adjudication on merits of any issue arising in this writ petition.

The writ petition is accordingly disposed of directing the third respondent Municipality to take appropriate action pursuant to the letters dated 13.08.2014 and 18.12.2014 addressed by the District Collector, Prakasam District, in accordance with law. In the course of this exercise, the Municipality shall give due notice and opportunity of hearing to all persons who would be affected by any decision taken by it pursuant to the afore-stated letters. This entire 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.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE SANJAY KUMAR

22nd March, 2016
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