

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.8108 of 2016

ORDER:

Heard Ms. Chandana, learned counsel representing Mr. N. Harinath, learned counsel for the petitioner, and Sri S. Lakshminarayana Reddy, learned Standing Counsel for the Greater Visakhapatnam Municipal Corporation.

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

“For the reasons and grounds stated in the accompanying affidavit, it is respectfully prayed that this Hon'ble Court may be pleased to issue a writ in the nature of Mandamus by declaring the inaction of the respondents 2 in not demolishing the illegal construction taken up by the respondents 4 and 5 on the petitioner land as discriminatory, illegal, irrational and illogical and pass appropriate order(s) in the interest of justice.”

It appears that the petitioner made complaint dated 20.04.2015 to the Greater Visakhapatnam Municipal Corporation 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 complaint dated 20.04.2015 made by the petitioner is yet to be acted upon, it is for the authority concerned to apply its mind to the said complaint 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 complaint. Adhering to this procedure, the authority concerned shall duly consider the petitioner's complaint dated 20.04.2015 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 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

21st April, 2016
PGS/IBL