

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.9070 of 2016

ORDER

Heard Sri P. Thirumala Rao, learned counsel for the petitioner, and Smt. Pingali Lakshmi, learned Standing Counsel for the second respondent – Greater Warangal 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 the Hon’ble Court may be pleased to issue a writ, order or direction, more particularly one in the nature of writ of mandamus

a) declaring the action on the part of respondents 1 to 3 in not initiating any action to stop the unauthorized and illegal construction activities being carried out by respondents 4 to 8 on the petitioner's house property bearing municipal no. 7-1-88/2 (Part), situated at Sai Nagar, Balasamudram, Hanmakonda, Warangal District, as arbitrary, illegal and in gross violation of the statutory provisions as provided under Sections 461 and 636 of the Greater Hyderabad Municipal Corporation Act;

b) consequently direct the 2nd respondent Corporation to initiate action against respondents 4 to 8 under Section 461 of the Greater Hyderabad Municipal Corporation Act;

c) further be pleased to direct the 2nd respondent to initiate action under 636 of the Greater Hyderabad Municipal Corporation Act, in respect of the unauthorized and illegal structures raised by respondents 4 to 8 on the petitioner's house property;

d) further be pleased to direct the 3rd respondent to initiate steps for providing assistance to the petitioner for enforcement and implementation of the injunction order DT: 22.12.2015 passed by the Hon'ble II Additional Junior Civil Judge, at Warangal in respect of the petitioner's property;

e) and further be pleased to pass such other orders as deemed fit and proper in the circumstances of the case.’

It appears that the petitioner made representation dated 08.03.2016 to the Commissioner, Greater Warangal 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 08.03.2016 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 second respondent shall duly consider the petitioner's representation dated 08.03.2016 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.

SANJAY KUMAR, J

23rd MARCH, 2016

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