

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.14961 of 2016

ORDER:

Heard Sri E. Poornachander Rao, learned counsel representing Sri Soma Venkateswarlu, learned counsel for the petitioner, and Sri Pasham Krishna Reddy, 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 therefore 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 inaction of the Respondent No.3 in not taking any action against the encroachment and illegal construction made by the Respondent No.4 herein in open land earmarked for parks and open space in Sy.No.141/A, Bhavani Enclave, Saheb Nagar Kalan, Vanasthalipuram, Hyderabad which was gifted to the Greater Hyderabad Municipal Corporation and further not considering the representation given to Respondent No.3 by the petitioner on 18-03-2016 to that effect being arbitrary, illegal unlawful and violative of Article 14, 21 of Constitution of India besides violative of doctrine of Legitimate Expectation in the interest of justice and pass such other relief or reliefs as this Hon'ble court may deem fit and proper in the circumstances of the case.”

It appears that the petitioner made representation dated 18.03.2016 to the Greater Hyderabad 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 respondent on notice as this Court is not venturing to adjudicate any issue on merits.

As the representation dated 18.03.2016 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 Corporation shall duly consider the petitioner's representation dated 18.03.2016 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

28th April, 2016
IBL/PGS