

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.6983 of 2016

ORDER:

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

“For the reasons stated in the accompanying affidavit, the petitioner herein prays that this Hon'ble Court may be pleased to issue Writ, order or direction particularly one in the nature of Writ of Mandamus, declaring the action of respondents 3 and 4 in not initiating any action for removing the encroachment of R& B road and Road Margin in Remalli Vilage, Bapulapadu Mandal, Krishna District, by the respondents 5 and 6 and further not taking any action for pruning the neem tree to prevent nuisance to the petitioner, as illegal, arbitrary and violation of Article 21 of Constitution of India, and to pass such other order or orders as this Hon'ble court deems fit and proper in the circumstances of the case.”

2. It appears that the petitioner issued legal notice dated 01.06.2015 to respondent Nos.3 to 6, and the said issue is pending consideration with respondent Nos. 3 and 4.

3. 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.

4. As the complaint of the petitioner is yet to be acted upon, it is for respondent Nos.3 and/or 4 to apply their mind and take action thereon, if warranted, in accordance with the due procedure. In this exercise, respondent Nos.3 and/or 4, as the case may be, 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 authorities concerned shall duly consider the petitioner's complaint 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 three 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

March 3, 2016
LMV