

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.7858 of 2016

ORDER:

Sri G. Kalyan Chakravarthy, learned counsel for the petitioner, states that papers have been served upon Sri R. Sudheer, learned Standing Counsel for the Vijayawada Municipal Corporation.

Taking note of the said submission, the matter was passed over to enable the learned Standing Counsel to put in his appearance. However, there is no appearance for the Vijayawada Municipal Corporation even in the afternoon session.

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

“For the reasons stated in the accompanying affidavit, it is prayed that this Hon'ble Court may be pleased to issue Writ or order or direction more so in the nature of Writ of Mandamus declaring the action of the Respondents 2 and 3 in not considering the complaints of the petitioner

dt. 25-01-2016, 27-01-2016 and 31-01-2016 as illegal and arbitrary high handed violative of provisions of Greater Hyderabad Municipal Corporation Act, 1955, violative of Article 14, 221 and 300A of Constitution of India and consequently direct the Respondents 2 and 3 to take action on the complaints of the petitioner as earlier and pass such other order or orders as this Hon'ble court deems fit and proper in the circumstances of the case.”

It appears that the petitioner made complaints dated 25.01.2016, 27.01.2016 and 31.01.2016 to the Vijayawada Municipal Corporation, the second respondent, and the same are 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 complaints dated 25.01.2016, 27.01.2016 and 31.01.2016 made by the petitioner are yet to be acted upon, it is for the

authority concerned to apply its mind to the said complaints 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 complaints. Adhering to this procedure, the second respondent Municipal Corporation shall duly consider the petitioner's complaints dated 25.01.2016, 27.01.2016 and 31.01.2016 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

21st March, 2016
PGS