

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No. 13579 of 2016

ORDER:

Heard Mr. N. Rishi Kumar, learned counsel representing Ms. T. Kanya Kumari, learned counsel for the petitioner, and Mrs. Pingali Lakshmi, learned Standing Counsel for the second respondent Municipal Corporation.

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

“It is therefore prayed that this Hon'ble Court may be pleased to issue a Writ or Order or Direction, particularly one in the nature of Writ of Mandamus, declaring the inaction on the part of the Respondents 1 to 3 in considering and taking appropriate action in stopping/restraining unauthorised construction made by the Respondent Nos.6 & 7 in pursuance of the representation dated 12.04.2016 in House Plot, admeasuring 183 Sq. Yards in Sy.No.89, situated at Waddepally Revenue Village opp. to Reddy Marriage Hall, Hanamkonda, Warangal, on the main road leading to NGOs., Colony, as arbitrary, illegal and violative of Article 300-A of the Constitution of India and consequently direct the Respondents 1 to 3 to take action in removing the unauthorized constrictions in the subject plot, in the interest of justice, and pass such other order or orders as deemed fit and proper in the circumstances of the case.”

It appears that the petitioner made representation dated 12.04.2016 to the Commissioner, Greater Warangal Municipal Corporation, Warangal, 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 12.04.2016 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 12.04.2016 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

Date: 21.04.2016

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