

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.4936 of 2016

ORDER:

Heard Sri M.L. Ali, learned counsel for the petitioner, and Sri Sampath Prabhakar Reddy, learned Standing Counsel for the GHMC.

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

“For the reasons stated in the accompanying affidavit, the petitioner prays that this Hon'ble Court may be pleased to issue an appropriate writ order or direction, more particularly a writ in the nature of writ of Mandamus, declaring the action of the Respondents 3 and 4 in not initiating the action against the Respondents 5 and 6 under Section 452 of the Hyderabad Municipal Corporation Act, 1955 to demolish the temporarily unauthorized constructions raised by the 5th and 6th Respondents as illegal, arbitrary and consequentially direct the Respondents 2 to 4 to take immediate action as per law in the interest of justice and to pass such other order or orders as the Hon'ble Court deems fit and proper in the circumstances of the case.”

It appears that the petitioner made representation dated 02.01.2016 to the Zonal Commissioner, Greater Hyderabad Municipal Corporation, Circle-XI, Serilingampally, Hyderabad, the fourth 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 02.01.2016 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 fourth respondent shall duly consider the petitioner's representation dated 02.01.2016 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 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

16th February, 2016
IBL