

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.8527 of 2016

ORDER:

Heard Sri M.Subba Reddy, learned counsel for the petitioners, and Sri A. Pandu Ranga Rao, learned Standing Counsel for the second respondent Municipal Corporation.

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

“For the reasons stated in the accompanying affidavit, it is therefore prayed that this Hon’ble High Court may be pleased to issue an appropriate Writ, order or direction, more in the nature of Writ of Mandamus, to declare the inaction on the part of the 2nd respondent in preventing the illegal constructions by the 4th respondent, on public road at “Y” junction road in Aravinda Nagar, 23rd Ward, 20th Division, Nellore Municipal Corporation, as illegal, arbitrary, amounting to dereliction of duty and consequently direct the 2nd respondent to remove the illegal constructions made on the public road by the 4th respondent at “Y” junction road in Aravinda Nagar, 23rd Ward, 20th Division, Nellore Municipal Corporation and prevent the 4th respondent in making such illegal constructions on public road and pass such other order or orders as this Hon’ble Court may deem fit and proper under the circumstances of the case.”

It appears that the petitioners made representation dated 09.03.2016 to the Commissioner, Nellore Municipal Corporation, Nellore, 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 respondent on notice as this Court is not venturing to adjudicate any issue on merits.

As the representation dated 09.03.2016 made by the petitioners 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 petitioners' representation. Adhering to this procedure, the second respondent shall duly consider the petitioners' representation dated 09.03.2016 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 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

16.03.2016

GJ