

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.12357 of 2016

ORDER:

Heard Sri V. Surya Kiran Kumar, learned counsel for the petitioner, Sri Ancha Pandu Ranga Rao, learned Standing Counsel for the Guntur Municipal Corporation, and Sri D. Ramesh, learned Standing Counsel for the Andhra Pradesh Capital Region Development Authority (APCRDA).

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

“For the reasons stated in the accompanying affidavit, the petitioner prays that the Hon’ble Court may pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the inaction of the

2nd respondent in taking steps for removal of the illegal and unauthorized structures put-up by the 4th respondent over premises bearing Door No.12-25-180, Kothapet, Guntur, despite the petitioner’s representations, dt.25.02.2015, 07.04.2015, 17.03.2016 and 06.04.2016 and despite the communication in L.Dis.No.E1-169/2015, dt.Nil-08-2015, issued by the 3rd respondent, as illegal, arbitrary and constituting abdication of statutory duty and consequently direct the 2nd respondent to take steps for removal of the illegal and unauthorized structures put-up by the

4th respondent over the property bearing Door No.12-25-180, Kothapet, Guntur, and pass such other order or orders as this Hon’ble Court may deem fit and proper in the circumstances of the case.”

It appears that the petitioner made representations dated 25.02.2015, 07.04.2015, 17.03.2016 and 06.04.2016 to the Guntur 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 respondent on notice as this

Court is not venturing to adjudicate any issue on merits.

As the representations dated 25.02.2015, 07.04.2015, 17.03.2016 and 06.04.2016 made by the petitioner are yet to be acted upon, it is for the authority concerned to apply its mind to the said representations 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 representations. Adhering to this procedure, the second respondent Corporation shall duly consider the petitioner's representations dated 25.02.2015, 07.04.2015, 17.03.2016 and 06.04.2016 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

13th April, 2016
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