

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.12233 of 2016

ORDER:

Heard Sri T. Koteshwara Prasad, learned counsel for the petitioner, and Sri N. Praveen Kumar, learned Standing Counsel for the Mancherial Municipality.

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

“For the reasons stated in the accompanying Affidavit, it is therefore prayed that this Hon'ble Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the inaction of the respondent No. 2 in preventing the illegal structures, construction activity being carried out in Sy.No. 415 of Mancherial town, Adilabad District, in unauthorized layouts without obtaining the permissions contrary to the Buildings Rules is arbitrary and illegal and against the principles of natural justice and consequently issue a direction to the respondent No.2 not to allow any type of construction activity in Survey No. 415 of Mancherial town, Adilabad District and pass such other order or orders appropriate in the case.”

It appears that the petitioner made representation dated 19.03.2016 to the Mancherial Municipality, 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 19.03.2016 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 19.03.2016 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 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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