

**THE HON'BLE SRI JUSTICE SANJAY KUMAR**

**WRIT PETITION No.7891 of 2016**

**ORDER:**

Heard Sri K. Venumadhav, learned counsel for the petitioner, and Sri N. Praveen Kumar, learned Standing Counsel for the second respondent Municipality.

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

“For the reasons stated in the accompanying affidavit, this Hon'ble Court may be pleased to issue an order or direction more particularly one in the nature of writ of mandamus or any other appropriate writ declaring the action of the respondent no.2 in not taking any action in pursuance of notice issued, dated 29-2-2016 in R.O.C.No.G1/428/2016, directing the respondent no.3 to stop illegal and unauthorized constructions, failing which action will be initiated as per A.P. Municipalities Act, 1965, even after the period shown in the said notice is over and even after such issuance of notice the respondent no.3 completed the illegal construction of a compound wall in an extent of 2 acres of land situated in sy.no.1310 situated at Korutla shivar of Korutla Mandal of Karimnagar District, is nothing but arbitrary, illegal, null and void and violative of principles of natural justice and also violative of Articles 14, 19, and 21 of the Constitution of India and also violative of the provisions of the A.P. Municipalities Act. Consequently, direct the respondent no.2 to take appropriate action and remove the illegal construction of compound wall made by the respondent no.3, in pursuance of the notice issued, dated 29-2-2016 and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the interest of justice.”

It appears that acting upon the complaint made by the petitioner, the municipal authorities issued notice dated 29.02.2016 directing the unofficial respondent to stop the construction failing which they proposed to initiate action as per law. However, the complaint of the petitioner is that no steps have been taken thereafter.

As the second respondent Municipality is yet to take action

pursuant to its notice dated 29.02.2016, it is wholly premature at this stage for this Court to entertain this writ petition for adjudication on merits when the authority concerned is yet to apply its mind in the matter and take a decision. Further, this Court deems it unnecessary to put the unofficial respondent on notice as the writ petition is being disposed of without adjudication on merits of any issue arising in this writ petition.

The writ petition is accordingly disposed of directing the second respondent Municipality to take appropriate action pursuant to its notice dated 29.02.2016 in accordance with law. In the course of this exercise, the second respondent Municipality shall give due notice and opportunity of hearing to all persons who would be affected by any decision taken by it pursuant to the afore-stated notice. This entire 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.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

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**JUSTICE SANJAY KUMAR**

11<sup>th</sup> March, 2016

**Note:-**

Issue CC in three days.

B/o

PGS/IBL