

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.9028 of 2016

ORDER:

Heard Sri Kowturu Vinaya Kumar, learned counsel for the petitioner, and Sri N. Praveen Kumar, learned Standing Counsel for second respondent – Nalgonda Municipality.

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

“For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon'ble Court may be pleased to issue writ or direction preferably Writ of Mandamus declaring the inaction of the respondent no.2 in taking appropriate action against the unauthorized constructions being made by the unofficial respondents in the land to an extent of Ac.8-03 gts., in Sy. no. 630 Maruthinagar colony, Mamillagudem, Sagar road, Nalgonda Town, Nalgonda District despite representations 14-10-2015 and 29-2-2016 as illegal, arbitrary, and violative of principles of natural justice and consequently direct the respondent no.2 to take immediate action on the said unauthorized constructions and pass such other or further orders as this Hon'ble Court deem fit and proper in the circumstances of the case.”

It appears that the petitioner made representations dated 14.10.2015 and 29.02.2016 to the Commissioner, Nalgonda Municipality, 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 respondents on notice as this Court is not venturing to adjudicate any issue on merits.

As the representations dated 14.10.2015 and 29.02.2016 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 shall duly consider the petitioner's representations

dated 14.10.2015 and 29.02.2016 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

18.03.2016

GJ