

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No. 5588 of 2016

ORDER:

Heard Sri Venkat Reddy Donthi Reddy, learned counsel for the petitioner, and Sri N. Praveen Kumar, learned Standing Counsel for the third respondent Municipal Corporation.

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

“The Hon’ble Court may be pleased to issue writ or other proceedings more particularly one in the nature of writ of Mandamus under Article 226 of the Constitution of India declaring the action of the respondents Nos.3 to 6 in not considering my representations dated 03.12.2015 and the legal notice dated 03.02.2016 and contrary to that granting land conversion and permission for construction to the respondents in the Suit vide O.S.No.89/2015 on the file of Hon’ble Senior Civil Judge, Jangaon, Warangal, deliberately violating the Court orders dtd.29.01.2016 in I.A.No.537/2015 in O.S.No.89/2015, which is arbitrary, illegal, and unconstitutional besides violative of fundamental rights guaranteed under Art.14, 21 and 300-A of the Constitution of India and consequently direct the Respondent authorities to take immediate action on my representations dated 03.12.2015 and 03.02.2016 by canceling the permissions granted to the Respondents in O.S.No.89/2015 and pass such other relief or reliefs as this Hon’ble court may deem fit and proper in the circumstances of the case.”

3. It appears that the petitioner made representation dated 03.12.2015 to the Commissioner, Municipality, Jangaon, the third respondent, and the same is pending consideration.

4. 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.

5. As the representation dated 03.12.2015 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 third respondent shall duly consider the petitioner's representation dated 03.12.2015 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

February 22, 2016
LMV