

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.11566 of 2016

ORDER:

Heard Sri M. Rajamalla Reddy, learned counsel for the petitioner, and Sri Pasham Krishna Reddy, learned Standing Counsel for the Greater Hyderabad Municipal Corporation.

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

“For the reasons stated in the accompanying affidavit, the petitioners herein pray that this Hon'ble Court may be pleased to issue an appropriate writ, order or direction, particularly one in the nature of Mandamus, declaring the inaction of the respondents 1 to 3 herein in not taking action against the illegal construction of the building at

H.No.11-9-123/1(Old)/11-9-259(new) Vijayapuri Colony, Road No.4, Kothapet, Saroornagar, Hyderabad by the

5th respondent herein as illegal, arbitrary, unreasonable, contrary to the provisions of the Greater Hyderabad Municipal Corporation Act 1955 and the A.P. Building Rules 2012, and also violative of the fundamental rights guaranteed under Articles 14, 21 and 300-A of the Constitution of India and issue a consequential direction to the respondents 1 to 3 herein to take action against the said illegal construction by the 5th respondent herein forthwith and ensure that the construction by the 5th respondent herein is in conformity with the Greater Hyderabad Municipal Corporation Act 1955 and the A.P. Building Rules 2012 and demolish the illegal construction made so far by the 5th respondent herein and further direct the 4th respondent herein not to depute any police constables in favour of 5th respondent herein to carry out her illegal construction and pass such other order or orders as are deemed fit and proper in the circumstances of the case.”

It appears that the petitioner made representations dated 15.03.2016 and 30.03.2016 to the authorities of the Greater Hyderabad Municipal Corporation 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 15.03.2016 and 30.03.2016 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 authority concerned shall duly consider the petitioner's representations dated 15.03.2016 and 30.03.2016 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

7th April, 2016

Note:-

Issue Cc by 11.04.2016.

B/o

PGS/IBL