

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.8063 of 2016

ORDER:

Heard Smt. D. Padmavathi, learned counsel for the petitioner, and Sri Sampath Prabhakar Reddy, learned Standing Counsel for the second respondent - Greater Hyderabad Municipal Corporation.

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

“For the reasons stated in the accompanying affidavit, it is 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 on the part of the respondents 1 to 3 upon the complaints of the petitioner dt.26.02.2016, 01.03.2016, 04.03.2016 against the illegal and unauthorized construction and demolition by the Respondent Nos.4 to 7 in the premises bearing M.No.23-6, Plot No.6, Jyothinagar, Sy.No.203/2 and 204/3, Opp. Srinivas Theatre, Ramachandrapuram, Medak District as illegal, arbitrary, discriminatory, unconstitutional and in violation of the provisions of the Hyderabad Municipal Corporation Act, 1955 and also direct the 1st to 3rd respondents to initiate action against the respondents 4 to 7 or their representatives or agents on the complaints of petitioner dt.26.02.2016, 01.03.2016, 04.03.2016 and consequently, (a) direct the respondents 1 to 3 to take steps against the respondents 4 to 7 for not proceeding with any construction activity in the premises bearing M.No.23-6, Plot No.6, Jyothinagar, Sy.No.204/2 and 204/3, Opp. Srinivas Theatre, Ramachandrapuram, Medak District (b) direct the respondents 1 to 3 to adhere to the status quo orders dt.28.01.2016 in I.A.No.54 of 2016 in O.S.No.21 of 2016 on the file of Senior Civil Judge, Sangareddy, Medak District and pass such other order or orders may deem fit and proper in the circumstances of the case.”

It appears that the petitioner made representations dated 26.02.2016, 01.03.2016 & 04.03.2016 to the Commissioner, Greater Hyderabad Municipal Corporation, 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 26.02.2016, 01.03.2016 &

04.03.2016 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 second respondent shall duly consider the petitioner's representations dated 26.02.2016, 01.03.2016 & 04.03.2016 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 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

14.03.2016

GJ