

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.11887 of 2016

ORDER:

Heard Sri Sai Gangadhar Chamarty, learned counsel for the petitioner, Sri P. Jagadish Chandra Prasad, learned Standing Counsel for the Visakhapatnam Urban Development Authority, and Sri Nimmagadda Venkateswarlu, learned Standing Counsel for the Vizianagaram Municipal Corporation.

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

“For the reasons stated in the accompanying affidavit, the petitioner herein prays that this Hon'ble Court may be pleased to issue an appropriate Writ, Order or Direction more particularly in the nature of Writ of Mandamus declaring the inaction of the respondents 2 and 3 in considering the complaint dated 17-03-2016 against the respondents 4 to 6 in trying to get layout plan in respect of land of an extent of

0.40 cents in Sy.No.95/2 of Vizianagaram 2nd Bit, Kothapeta as arbitrary, illegal, capricious and violative of provisions of A.P. Municipal Corporation Act and consequently direct the respondents 1 to 3 to take action forthwith in accordance with law and pass such other or further orders as deem fit and proper in the circumstances of the case.”

It appears that the petitioner made complaint dated 17.03.2016 to the Visakhapatnam Urban Development Authority, the second respondent, and the Vizianagaram Municipal Corporation, the third respondent, and the same is 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 complaint dated 17.03.2016 made by the petitioner is yet to be acted upon, it is for the authority concerned to apply its mind to the said complaint 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 complaint. Adhering to this procedure, the authority concerned shall duly consider the petitioner's complaint dated 17.03.2016 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

11th April, 2016
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