

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No. 5689 of 2016

ORDER:

Heard Sri K.V.Subba Reddy, learned counsel for the petitioner, and Sri Venkateswarlu Nimmagadda, learned Standing Counsel for the second respondent-Municipal Corporation.

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

“This Hon'ble Court be pleased to issue a Writ or Order or Direction more in the nature of the Writ of Mandamus directing the action of the Respondents in not removing the temporary structures/ encroachments made in 10th ward of the 2nd Respondent and Irrigation Canal is illegal, arbitrary and unconstitutional and consequently direct the respondents to remove the temporary structures made in 10th ward of the 2nd respondent and Irrigation canal and pass such other order or orders as this Hon'ble court deems fit and proper in the circumstances of the case.”

3. It appears that the petitioner made representation dated 15.07.2015 to the Commissioner, Gudivada Municipality, Krishna District, second respondent, and the same is pending consideration.

4. As the representation dated 15.07.2015 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 second respondent shall duly consider the petitioner's representation dated 15.07.2015 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 23, 2016
LMV