

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.15410 of 2016

ORDER:

Heard Sri S.M. Subhani, learned counsel for the petitioner, and Sri P. Kesava Rao, learned Standing Counsel for the second respondent - Greater Hyderabad Municipal Corporation.

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

“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 of respondents 2 to 3 against the illegal constructions made by the 4th respondent in the Wakf property attached to the DARGAH HZT. SYED SHAH JAMALUDDIN QUADRI HUSSAINI AL-HASSANI along with Dargah & Masjid together by encroaching the Northern side 5 feet public at Dargah premises bearing No. 2-2-1055, Quadri Bagh, Amberpet, Hyderabad, Telangana State in Survey No. 475 (Old), 552(New) in spite of Petitioner's representation dt.27.2.2016 on the file of the Respondents 2 and 3 registered as Grievance Cell Inward No. CTZ 2016012911 dt.27th February 2016 is illegal, arbitrary and unconstitutional, dereliction of duties and also against to the provisions of Greater Hyderabad Municipal Corporation Act and consequently direct the respondents 2 and 3 to demolish the illegal constructions already raised by the 4th respondent and pass such other order or orders as this Hon’ble Court may deem fit and proper in the circumstances of the case.”

It appears that the petitioner made representation dated 27.02.2016 to the Commissioner, Greater Hyderabad Municipal Corporation, the second 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 respondent on notice as this Court is not venturing to adjudicate any issue on merits.

As the representation dated 27.02.2016 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 27.02.2016 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 six 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

29.04.2016

GJ/PGS