

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.14165 of 2016

ORDER:

Heard Sri Shaik Meeravali, learned counsel for the petitioner,
and
Sri N. Praveen Kumar, learned Standing Counsel for the Vikarabad
Municipality.

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

“For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon’ble Court may be pleased to issue a writ of Mandamus any other appropriate writ or order directions declaring the action of the 2nd Respondent in not taking any action against the illegal/unauthorized constructions made in Sy.No. 141 to an extent of Ac. 0.09 guntas situated at Sivareddypet Village, Vikarabad Mandal & Municipality, Ranga Reddy District and further also in not restraining the 3rd Respondent from proceeding with the further illegal constructions inspite of the Petitioner’s several personal approaches and representations dated 18-01-2016 & 08-02-2016 is illegal, arbitrary, unconstitutional and violative of article 14 and 21 of the Constitution of India and also contrary to the Procedure contemplated under the Municipalities Act and consequently direct the 2nd Respondent to take action against the illegal/unauthorised construction made in Sy. No. 141 to an extent of Ac.0.09 gunts situated at Sivareddypet Village, Vikarabad Mandal & Municipality, Ranga Reddy District and also to restrain the 3rd Respondent from proceeding with further illegal/unauthorised construction in above mentioned land forthwith and to pass such other order or orders as this Hon’ble Court may deems fit just and proper in the circumstances of the case.”

It appears that the petitioner made representations dated 18.01.2016 and 08.02.2016 to the Vikarabad Municipality, 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 respondent on notice as this Court is not venturing to adjudicate any issue on merits.

As the representations dated 18.01.2016 and 08.02.2016 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 18.01.2016 and 08.02.2016 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 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

26th April, 2016
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