

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.13735 of 2016

ORDER:

Heard Sri Ambati Srinivas, learned counsel representing
Sri Siva Sankara Rao Borra, learned counsel for the petitioner, and
Sri R. Sudheer, learned Standing Counsel for Vijayawada Municipal
Corporation.

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

“For the reasons stated in the accompanying affidavit the petitioner prays 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 respondent Nos.1 to 7 on the representation dated 08.04.2016 submitted by the petitioner for prevention of illegal construction and impermissible user being undertaken by respondents 8 to 17 in Plot No.3, SBI Colony, Bhavanipuram, Vijayawada in violation of the approved plan in BA No.1219 of 2013, dated 13.05.2013 for establishment of Narayana Junior College, as illegal, irregular, irrational, amounts to non discharge of legal obligation conferred on respondent Nos.1 to 4 under the provisions of the Greater Hyderabad Municipal Corporations Act, 1955 and rules framed thereunder and also provisions of Andhra Pradesh Fire Service Act, 1999; Andhra Pradesh Education Act, 1982 and offends Articles 14 and 21 of Constitution of India and consequently direct the respondent Nos.1 to 7 to prevent respondents 8 to 17 from making said illegal construction and establishing junior college therein and to 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 08.04.2016 to the Commissioner, Vijayawada Municipal Corporation, Vijayawada, 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 respondents on notice as this Court is not venturing to adjudicate any issue on merits.

As the representation dated 08.04.2016 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 08.04.2016 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

Date: 22.04.2016

va