

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.9682 of 2016

ORDER:

Heard Sri Rajagopallavan Tayi, learned counsel for the petitioner, and Sri R. Sudheer, learned Standing Counsel for the second respondent Vijayawada Municipal Corporation.

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

“For the reasons stated in the accompanying affidavit filed in support of the writ petition, it is therefore, prayed that this Hon'ble Court may be pleased to issue a writ, order or direction more particularly one in the nature of Mandamus declaring the inaction of the Respondents 2 and 3 in taking action against the illegal constructions carried out by the 41 respondent in House no:42-55-24, Muthyalapadu, Ajithsingh Nagar, Block No 6,Vijayawada without any building approval from the 2nd respondent as illegal arbitrary and unconstitutional and consequently direct the respondents to remove the existing illegal constructions and also not to make any further constructions and deviations made in without any approval in House No: 42-55-24, Muthyalapadu, Ajithsingh Nagar, Block No 6,Vijayawada effecting the rights of the petitioner, without following the due process of law, and pass such other and further order or orders as are deemed fit and proper.”

It appears that the petitioner made oral complaint to the Commissioner, Vijayawada Municipal Corporation, Vijayawada, the second respondent, regarding the alleged illegal constructions carried out by respondent No.4.

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 petitioner made oral complaint, liberty is given to her to submit written representation ventilating her grievance before the authority concerned. Upon such representation, it is for the authority concerned to apply its mind 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 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 representation from the petitioner.

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

30.03.2016

PGS