

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No. 13531 of 2016

ORDER:

Heard Sri Raj Kumar Rudra, learned counsel for the petitioner, and Sri N. Praveen Kumar, learned Standing Counsel for the second respondent - Medak Municipality.

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

“Pleased to issue direction more particularly one in the nature of WRIT OF MANDAMUS, directing the Respondents 1 to 2 to remove the illegal construction made by the 3rd Respondent in the passage towards western side of the petitioner premises bearing No.3-2-93/2, Kummarigadda, Medak Town, as per the provisions of A.P. Municipalities Act, 1965 by taking necessary action basing on the representation made by the petitioner.”

It appears that the petitioner made representations dated 30.01.2016, 08.02.2016 and 29.02.2016 to the Commissioner, Municipality, Medak, 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 30.01.2016, 08.02.2016 and 29.02.2016 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 30.01.2016, 08.02.2016 and 29.02.2016 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

Date: 21.04.2016

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