

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No. 12682 of 2016

ORDER:

Heard Sri G.Rajeswara Rao, learned counsel for the petitioner, and Sri N.Praveen Kumar, learned Standing Counsel for the Mahabubnagar Municipal Corporation.

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

“The Hon’ble Court may be pleased to issue Writ, Order or direction, preferably a Writ in the nature of Mandamus by declaring the action of respondent Nos.2 & 3 in not taking any action against the respondent No.4 that the petitioner made several representations to the respondent Nos.2 & 3 and not taken any further action after issuance of Notice No.G1/9/MBNR/2013-14 DATED 25-01-2014 TO THE Respondent NO.4 without obtaining permission for construction of commercial shop in 5 feet public way by the side of house No.5-4-82 and 83 at Ramaiah bouli Behind Gandhi Road High school Mahabub nagar as illegal, arbitrary, Consequent to direct the Respondent No.2 & 3 to take appropriate action against the Respondent No.4 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.”

3. It appears that the petitioner made representation dated 26.03.2014 to the Commissioner, Mahabub Nagar Municipal Corporation, Mahabub Nagar, the second respondent, and the same is pending consideration.

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.

5. As the representation dated 26.03.2014 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 26.03.2014 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 three 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

April 19, 2016
Lmv