

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.9170 of 2016

ORDER:

Heard Sri A. Jagan, learned counsel for the petitioner, and Smt. Pingali Lakshmi, learned Standing Counsel for the second respondent - Greater Hyderabad Municipal Corporation.

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 an appropriate writ, order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the inaction on part of the official respondents in not taking action on the representations of the petitioner dated 16-01.2016, 18-01-2016, 25-01-2016 and 08-02-2016 is bad illegal, colorable exercise of power and is opposed to Article 14 and 19 of the Constitution of India and consequently direct the official respondent to forthwith demolish the unauthorized construction made by the unofficial respondents No. 3 to 5 and 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 representations dated 16-01-2016, 18-01-2016, 25-01-2016 and 08-02-2016 to the Commissioner, Greater Hyderabad Municipal Corporation, 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 respondents on notice as this Court is not venturing to adjudicate any issue on merits.

As the representations dated 01.2016, 18-01-2016, 25-01-2016 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 01.2016, 18-01-2016, 25-01-2016

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

21.03.2016

GJ