

THE HON'BLE SRI JUSTICE SANJAY KUMAR

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WRIT PETITION No.6653 of 2016

ORDER:

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

“That this Hon’ble Court may be pleased to issue an appropriate writ, order or direction particularly one in the nature of writ of Mandamus:

- (i) direct the respondent Nos.2 and 3 to grant permission in favour of the petitioners either to carry on the repairs or to reconstruct the shops at Door No.37-1-23, Main Road, Kakinada, after undertaking the demolition of the required portion specified in the notice dated 24.07.2015.
- (ii) declaring their inaction in considering the representation dated 01.02.2016 as illegal and ultra vires to the provisions of Articles 14, 19(1)(g) and 300-a of the Constitution of India besides being in violation of the provisions of the Hyderabad Municipal Corporation Act and
- (iii) pass such other orders as this Hon’ble Court may deem fit in the circumstances of the case.”

The petitioners’ representation dated 01.02.2016, whereby they sought permission to carryout repairs and reconstruction after completion of the demolition process for road widening, is admittedly pending consideration before the Kakinada Municipal Corporation.

In that view of the matter, this Court is of the opinion that no purpose is served by entertaining this writ petition for adjudication on merits. Further, as this Court does not propose to adjudicate any issue on merits, it is not necessary to put the unofficial respondent on notice.

Sri Ancha Pandu Ranga Rao, learned Standing Corporation for the Kakinada Municipal Corporation, is also agreeable to the disposal of the writ petition at the admission stage.

The writ petition is accordingly disposed of directing the Kakinada Municipal Corporation to consider the petitioners’ representation dated 01.02.2016 and take appropriate action thereon, if warranted, in accordance with law. In this exercise, the authority concerned would necessarily have to give an opportunity of hearing to all the parties who would be affected by any decision taken upon such representation. This exercise shall be completed expeditiously and in

any event, not later than one week from the date of receipt of a copy of this order.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

Date:01.03.2016

Note: Furnish C.C. today.

(B/o)

GJ