

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.14542 of 2016

ORDER:

Heard Ms. Shanti Sree, learned counsel representing Sri V.Sudhakar Reddy, learned counsel for the petitioner, and Sri Ancha Panduranga Rao, learned Standing Counsel for the Nellore Municipal Corporation.

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

“To issue an order, direction or writ, more particularly one in the nature of writ of Mandamus declaring the inaction of the 2nd respondent in initiating action against the 3rd respondent to stop the illegal construction in the Plot bearing Nos.34 & 35 in SY.No.839 situated at Nellore Bit-II, called as Ramjinagar, Nellore City, Nellore Municipal Corporation as wholly illegal, arbitrary and unjust and consequently direct the 2nd respondent to implement the provisions of Municipal Corporation Act and the Rules made there under and to stop the construction activities of the 3rd respondent and pass such other order or orders in the interests of justice.”

3. It appears that the petitioner made representation dated 11.04.2016 to the Commissioner, Nellore Municipal Corporation, Nellore, 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 respondents on notice as this Court is not venturing to adjudicate any issue on merits.

5. As the representation dated 11.04.2016 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 11.04.2016 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

April 26, 2016

LMV