

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.6713 of 2016

ORDER:

Heard Sri K. Harish Kumar, learned counsel for the petitioner,
and
Sri P. Kesava Rao, learned Standing Counsel for the 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 therefore 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 of the 2nd and 3rd respondents for the representation and complaint dated 16-11-2015 and 07-12-2015 by the petitioner against the illegal and unauthorized constructions undertaken by the 7th respondent through respondents No.6 and 8 to 10 by encroaching over the open places of layout meant for Parks, Graves, Tombs, Mosques etc., and roads in respect of the said property of Osmania University Employees Cooperative Housing Society Limited bearing Sy.Nos. 320/1/A, 320/1AA, 320/2, 324 and 326/1 and 2, situated at O.U.Colony, Shaikpet Village, Hyderabad, as illegal, arbitrary, unconstitutional and consequently direct the 2nd and 3rd respondents to take immediate action for the representation and complaint dated 16-11-2015 and 07-12-2015 by the petitioner against the illegal and unauthorized constructions undertaken by against the 7th respondent through respondents No.6 and 8 to 10 by encroaching over the open places of layout meant for Parks, Graves, Tombs, Mosques etc., and roads in respect of the said property of Osmania University Employees Cooperative Housing Society Limited bearing Sy.Nos. 320/1/A, 320/1AA, 320/2, 324 and 326/1 and 2, situated at O.U.Colony, Shaikpet Village, Hyderabad, and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the above in the interests of justice.”

It appears that the petitioner made representations dated 16.11.2015 and 07.12.2015 to the authorities of the Greater Hyderabad Municipal Corporation 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 16.11.2015 and 07.12.2015 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 authority concerned shall duly consider the petitioner's representations dated 16.11.2015 and 07.12.2015 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

2nd March, 2016
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