

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.43079 of 2015

Date:04.01.2016

Between:

Mohd. Irshad Pasha,
S/o Mohd. Azeemuddin

..... Petitioner

And:

The State of Telangana, repled., by its
Principal Secretary, Municipal Admn.
Hyderabad and two others.

.....Respondents

Counsel for the Petitioner: Mr. Govind Reddy Kontham

Counsel for Respondent No.1: AGP for Municipal Admn.
(TS)

The Court made the following:

ORDER:

This Writ Petition is filed for a *Mandamus* to declare the inaction of respondent No.2 in removing the illegal construction of a wall raised over 24 feet public road existing in the layout in Survey Nos.274 and 275 of Korutla Proper and Mandal, Karimnagar District, in pursuance of his representations, dated 01.04.2015, 23.9.2015 and 02.12.2015, as illegal and arbitrary.

At the hearing, Mr. N.Praveen Kumar, learned Standing Counsel for Korutla Municipality, on instructions, submitted that the petitioner's representations have been enquired into and that as respondent No.2 is satisfied that the construction raised by respondent No.3 is not illegal,

no further action has been taken.

In my opinion, respondent No.2 being a statutory entity having received the representations of the petitioner against the alleged illegal structure, it is not only its duty to hold an enquiry into the same but also inform its decision to the petitioner. As no formal decision is stated to have been taken and communicated to the petitioner, respondent No.2 is directed to take a decision in writing on the result of the enquiry made on the petitioner's representations and communicate the same to the latter to enable him to avail further legal remedies if he is not satisfied with such decision. It shall complete this exercise within one month from the date of receipt of a copy of this order.

Subject to the above directions, the Writ Petition is disposed of.

As a sequel to disposal of the Writ Petition, W.P.M.P.No.55534 of 2015 shall stand disposed of as infructuous.

*JUSTICE C.V.NAGARJUNA
REDDY*

*04th January, 2016
DR*