

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.14853 of 2016

ORDER:

Heard Sri Sai Gangadhar Chamarty, learned counsel for the petitioner, and Sri R. Sudheer, learned Standing Counsel for the Vijayawada Municipal Corporation.

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

“For the reasons stated in the accompanying affidavit, the petitioner herein prays that this Hon'ble Court may be pleased to issue the Writ order or Direction more particularly in the nature of Writ of Mandamus declaring the inaction of the 1st Respondent in removing the unauthorized and illegal construction made by the respondents 2 and 3 on the appurtenant land of Phase-I of MIG, A.P.H.B. Colony, Bhavanipuram, Vijayawada despite of written complaint dated 26-02-2016 of the petitioner herein as arbitrary, illegal, capricious and violative of mandatory provisions of Vijayawada Municipal Corporation Act and consequently direct the 1st respondent to remove the unauthorized construction made by the respondents 2 and 3 forthwith and pass such other orders as may be deem fit and proper in the circumstances of the case.”

It appears that the petitioner made complaint dated 26.02.2016 to the Vijayawada Municipal Corporation, the first respondent, and the same is 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 complaint dated 26.02.2016 made by the petitioner is yet to be acted upon, it is for the authority concerned to apply its mind to the said complaint 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

complaint. Adhering to this procedure, the first respondent shall duly consider the petitioner's complaint dated 26.02.2016 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

27th April, 2016
IBL/PGS