

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.10363 of 2016

ORDER:

Heard Sri Subrahmanyam Kurella, learned counsel for the petitioners, and Sri P. Keshava Rao, learned Standing Counsel for the Greater Hyderabad Municipal Corporation.

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

“For all the reasons stated in the accompanying affidavit the petitioners pleaded to issue a writ of mandamus directing the respondents 1 to 3 to remove the illegal structures constructed on Door No.2-2-1118/1/8/M&A, and to restore the terrace, and the parking areas and common area in the ground floor as per the approved plan available to the petitioners while declaring the action of the respondents 4 to 6 in not demolishing the illegal construction and deviation from the approved plan inspite of representations and legal notice dated 08.01.2016 as highly illegal, arbitrary, capricious and opposed to principles of natural justice and other reliefs and pass such other order or orders as deemed fit by this Hon'ble Court in the circumstances of the case to render justice.”

It appears that the petitioners made representations dated 16.11.2015 and 09.12.2015 and also issued legal notice dated 08.01.2016 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 09.12.2015 and the legal notice dated 08.01.2016 addressed by the petitioners are yet to be acted upon, it is for the authority concerned to apply its mind to the said representations and legal notice 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 petitioners' representations and legal notice. Adhering to this procedure, the authority concerned shall duly consider the petitioners' representations dated 16.11.2015 and 09.12.2015 and legal notice dated 08.01.2016 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

30th March, 2016
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