

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.13558 of 2016

ORDER:

Heard Sri A. Sreedhar, learned counsel for the petitioner, and Sri S.D. Goud, learned Standing Counsel for the third respondent Municipal Corporation.

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

“For the reasons stated in the accompanying affidavit, the Hon'ble Court may be pleased to issue a Writ or direction more particularly one in the nature of Writ of Mandamus declaring the construction of a commercial building of the 4th Respondent in violation of the approved building plan in Roc.No.1193/2003/G1, dated -8-2015 as illegal, arbitrary and in violation of the provisions of the Hyderabad Municipal Corporation Act, 1955 and Zoning Regulations, issued in G.O.Ms.No.168, MA, dated 7.4.2012 and consequently direct the 3rd respondent herein to demolish the construction made by the 4th Respondent in violation of the approved building permit in Roc.No.1193/2003/G1, dated -8-2015 issued by the 3rd Respondent and to pass such other order or orders as this Hon'ble Court may deems fit and proper in the circumstances of the case.”

It appears that the petitioner made representation dated 14.11.2015 to the Commissioner, Kurnool Municipal Corporation, Kurnool, the third 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 respondent on notice as this Court is not venturing to adjudicate any issue on merits.

As the representation dated 14.11.2015 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 third respondent shall duly consider the petitioner's representation dated 14.11.2015 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 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

Date: 21.04.2016

Note:-

Issue CC by Monday.

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