

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.13994 of 2016

ORDER:

Heard Sri K. Srinivas, learned counsel for the petitioner, and Sri Md. Saleem, learned Standing Counsel for the Madanapalli Municipality.

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

“For the reason stated in the accompanying affidavit, the Petitioner herein prays that this Hon'ble Court may be pleased to issue a Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 2nd respondent in not taking any action on the representation of the petitioner dated 09-04-2016 for demolish the illegal construction in Sy.No.173 an extent of Ac.0.97 cents situated at Saidapeta Extension, 5th Ward, Madanapalli Town, Chittoor District is illegal, arbitrary and violation of Principles of Natural Justice, consequently, direct the 2nd respondent to demolish the illegal construction in Sy.No.173 an extent of Ac.0.97 cents situated at Saidapeta Extension, 5th Ward, Madanapalli Town, Chittoor District, forthwith, and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

It appears that the petitioner made representation dated 09.04.2016 to the Madanapalli Municipality, the second 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 09.04.2016 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 second respondent shall duly consider the petitioner's representation dated 09.04.2016 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

25th April, 2016
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