

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.9563 of 2016

ORDER:

Heard Sri M.Hanumantha Rao, learned counsel for the petitioner, and Smt. M. Bhagyasree, learned Standing Counsel for the second respondent – Khammam Municipal Corporation.

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

“For the reasons stated in the accompanying affidavit, it is prayed that this Hon'ble Court may be pleased to issue writ or direction preferably writ of mandamus declaring the action of respondent No.2 in not considering the representations submitted by the petitioner dt. 9-12-2015, and 29-1-2016 with regard to unauthorised constructions made by respondent No.3 as illegal, arbitrary, and violative of principles of natural justice and consequently direct the respondent NO.2 to take immediate steps to remove the unauthorized constructions made by respondent No.3 and pass such other order or orders as this Hon'ble Court deems fit and proper in the circumstances of the case.”

It appears that the petitioner made representations dated 09.12.2015 and 29.01.2016 to the Commissioner, Khammam Municipal Corporation, 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 representations dated 09.12.2015 and 29.01.2016 made by the petitioner are yet to be acted upon, it is for the authority concerned to apply its mind to the said representations 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 representations. Adhering to this procedure, the

second respondent shall duly consider the petitioner's representations dated 09.12.2015 and 29.01.2016 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

23.03.2016

GJ