

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.5163 of 2016

ORDER:

Heard Sri C. Subodh, learned counsel for the petitioner association, and Sri A. Pandu Ranga Rao, learned Standing Counsel for the second respondent Corporation.

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

“For the aforementioned reasons, it is prayed that this Hon'ble Court may be pleased to issue a writ of mandamus or any other appropriate writ or direction declaring the action of the respondent No.2 in not taking any action against the illegal constructions being made by the 3rd respondent in contravention of building permission granted vide proceedings BA.No.1238/11/G4 dated 21-01-2015, as illegal and arbitrary and consequently direct the 2nd respondent to demolish the constructions which are being made by the 3rd respondent in contravention of the sanctioned plan 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 association made representation dated 28.12.2015 to the Commissioner, Nellore Municipal Corporation, SPSR Nellore District, 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 28.12.2015 made by the petitioner association 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 association's representation. Adhering to this procedure, the

second respondent shall duly consider the petitioner association's representation dated 28.12.2015 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 three 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

18th February, 2016

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