

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.11144 of 2016

ORDER:

Heard Sri Shaik Jilani, learned counsel for the petitioner, and Sri N. Praveen Kumar, learned Standing Counsel for the Mahabubnagar 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 an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, to declare the action of the Respondent Nos.2 and 3 herein in not taking any action with regard to the illegal and unauthorized construction made by the 4th respondent and his associates in the petitioner's land in Sy.No.34/AA/1, 34/AA/2, situated at Tangapur Village, Achampet Mandal, Mahaboobnagar District, in spite of the written representation dt.19.03.2016, as being illegal, arbitrary and unjust, and consequently direct the Respondent Nos.2 and 3 herein to demolish the illegal and unauthorized construction made by the 4th respondent in the above said land without any right and without any valid permission, and to grant such other relief or reliefs as this Hon'ble Court deems fit and proper in the circumstances of the case.”

It appears that the petitioner made representation dated 19.03.2016 to the second respondent Municipal Corporation 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 19.03.2016 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 Municipal Corporation shall duly consider the petitioner's representation dated 19.03.2016 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

6th April, 2016
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