

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.14551 of 2016

ORDER:

Heard Sri Suresh Shiva Sagar, learned counsel for the petitioner, and Sri Sampath Prabhakar Reddy, learned Standing Counsel for the second respondent - Greater Hyderabad Municipal Corporation (GHMC).

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 pass an order or orders one in the nature of Writ of Mandamus declaring the action of the respondents 1 to 4 for not taking any action as per the procedure contemplated under the GHMC Act and Rules with regard to the illegal construction made by the respondent No.6 to 12 of a huge multiplex commercial mall in survey No.320/1 and 315/3 situated at Chanda Nagar Village, Serilingampally Mandal Municipality, Ranga Reddy District, on the petitioners land, without obtaining any sanction plan or consent from the petitioner, in spite of issuance of the legal notice dated 11.04.2016 and declare the action of the respondents totally as illegal, Arbitrary against the Principles of natural Justice and also against the GHMC Act and Rules and violation of Article 19, 21 and 300A of the constitution of India 1950, and pass such other order or orders as this Hon'ble Court may deem fit in the circumstances of the case.”

It appears that the petitioner got issued a legal notice dated 11.04.2016 to the Commissioner, GHMC, Hyderabad, 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 respondents on notice as this Court is not venturing to adjudicate any issue on merits.

As the legal notice dated 11.04.2016 got issued by the petitioner is yet to be acted upon, it is for the authority concerned to apply its mind to the said legal notice 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 legal notice. Adhering to this procedure, the second respondent shall duly consider the legal notice dated 11.04.2016 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

27.04.2016

GJ/PGS