

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.11162 of 2016

ORDER:

Heard Smt. D. Padmavathi, learned counsel for the petitioner, and Sri N. Ashok Kumar, learned Standing Counsel for the Greater Hyderabad 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 a Writ, Order or direction more particularly one in the nature of "Writ of Mandamus" declaring the inaction on the part of the Respondents 1 to 3 upon the complaints of the petitioner dt.05-03-2016, 08-03-2016 and 24-03-2016 against the illegal and unauthorized construction of additional 5th floor and also in parking area in the premises bearing M.No.4-1-970, Ahuja Estate, Abids, Hyderabad by the 4th respondent as illegal, arbitrary, discriminatory, unconstitutional and in violation of the provisions of the Hyderabad Municipal Corporation Act, 1955 and also direct the 1st to 3rd respondents to initiate action against the respondent No.4 or their representatives or agents on the complaints of petitioner dt.05-03-2016, 08-03-2016 and 24-03-2016 and consequently direct the respondents 1 to 3 to take steps against the respondent No.4 for illegally constructing the additional 5th floor and also in parking area in the premises bearing M.No.4-1-970, Ahuja Estate, Abids, Hyderabad and pass such other order or orders may deem fit and proper in the circumstances of the case.”

It appears that the petitioner made complaints dated 05.03.2016, 08.03.2016 and 24.03.2016 to the authorities of the Greater Hyderabad Municipal Corporation and the same are 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 complaints dated 05.03.2016, 08.03.2016 and 24.03.2016 made by the petitioner are yet to be acted upon, it is for the authority concerned to apply its mind to the said complaints 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 complaints. Adhering to this procedure, the authority concerned shall duly consider the petitioner's complaints dated 05.03.2016, 08.03.2016 and 24.03.2016 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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