

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.5508 of 2016

ORDER:

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

“For the reasons stated in the accompanying affidavit, it is hereby 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, by declaring inaction of the respondents 1 to 3 herein in taking any action on the representations dated: 06.02.2016, 09.02.2016 and 15.02.2016 in respect of the illegal construction work taken up by the respondents 4 and 5 and constructing first and second floor by 3 feet projection at premises bearing No.4-7-514 at Esamia Bazar, Hyderabad as arbitrary, illegal, and void abinitio and besides the provisions of Hyderabad Municipal Corporation Act and further may be pleased to direct the respondents 1 to 3 herein to initiate action against the respondents 4 and 5 herein in respect of the illegal construction in respect of first and second floors made by them at premises bearing No. 4-7-514 at Esamia Bazar, Hyderabad, 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 made representations dated 06.02.2016, 09.02.2016 and 15.02.2016 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 respondents on notice as this Court is not venturing to adjudicate any issue on merits.

As the representations dated 06.02.2016, 09.02.2016 and 15.02.2016 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 authority concerned shall duly consider the petitioner's representations dated 06.02.2016, 09.02.2016 and 15.02.2016 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 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

22nd February, 2016
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