

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.14247 of 2016

ORDER:

Heard Ms. Rajya Lakshmi, learned counsel representing Mr. B. Sudhakar Reddy, learned counsel for the petitioner, and Sri S. Lakshminarayana Reddy, learned Standing Counsel for the Greater Visakhapatnam Municipal Corporation.

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

“For the reasons stated in the affidavit accompanying, this Hon’ble Court may be pleased to issue a Writ, Order, or Direction, more particularly one in nature of Writ of MANDAMUS directing the Respondents 1 to 4 to consider and dispose of the representation of the Petitioner dated

24-2-2016 pertaining to illegal encroachment & construction by Respondent No.6 in H.No. 1-49-182/1 Banglameta, Tagarapuvalasa, Visakhapatnam Sy.No.10 (part), 26 situated at Tagarapuvalasa, Visakhapatnam District and consequently declare the inaction of the Respondents No.1 to 4 in disposing of the representation dated 24-2-2016 as bad in law and illegal, in the Interest of Justice and pass such other order or orders as this Hon’ble Court deems fit and proper in the circumstances of the Case.”

It appears that the petitioner made representation dated 24.02.2016 to the municipal authorities 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 representation dated 24.02.2016 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 authority concerned shall duly consider the petitioner's representation dated 24.02.2016 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 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

26th April, 2016
IBL/PGS