

THE HON'BLE SRI JUSTICE SANJAY KUMAR

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WRIT PETITION No.10304 of 2016

ORDER:

Heard Sri Jakkamsetti Ravindra, learned counsel for the petitioner, and Sri P. Kesava Rao, learned Standing Counsel for the fourth respondent – Greater Hyderabad Municipal Corporation.

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

“The petitioner herein prays that this Hon’ble Court may be pleased to issue a Writ, Order or direction, more particularly one in the nature of a Writ of Mandamus, declaring the inaction on the part of the Respondent No.4 considering the petitioner representation, dated 16.03.2016 which contains that the unofficial respondents herein illegally occupied the GHMC land to an extent of 554 Sq. Mts (Classified as Municipal Land) and in TS.No.24/1, to an extent of 33 Sq.Mts (Classified as M Toilets) in T.S.No.24/2 and constructed pucca buildings, which was originally earmarked as Shri Vydik Hanuman Vyayamshala in which Run-Run-Sun, Kabbadi Club is located, which is a public play ground (GHMC Ground), Nehru Nagar, Khairathabad, Hyderabad-500 004, as illegal, arbitrary and violation of Articles 14 and 21 of the Constitution of India, and also violation of Principles of Natural Justice consequently and direct the respondent No.4 to make enquiry into the above issue and take suitable action against the unofficial respondents herein, who illegally occupied GHMC Land and pass such other or orders may deem fit and proper in the circumstances of the case.”

It appears that the petitioner made representation dated 16.03.2016 to the Commissioner, Greater Hyderabad Municipal Corporation, the fourth 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 representation dated 16.03.2016 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 fourth respondent shall duly consider the petitioner's representation dated 16.03.2016 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

Date:30.03.2016

Note:

Furnish C.C. in two days.

(B/o)

GJ