

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.7034 of 2016

ORDER:

Heard Sri D.Vijay, learned counsel for the petitioner,
and Sri N.Ashok Kumar, learned Standing Counsel for the Municipal Corporation
the second respondent.

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

“For the facts and the reasons mentioned in the accompanying affidavit it is humbly 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 of respondent No.3, in allowing the illegal occupation of Public road by the respondent No.4 is illegal, arbitrary, unconstitutional against the principles of the natural justice. As such this Hon’ble Court may direct the Respondent No.3 to demolish all the illegal construction made on the public road by the Respondent No.4 and pass such other order orders as this Hon’ble Court deem fit and proper in the circumstances of the case.”

3. It appears that the petitioner made representation dated 02.01.2016 to the Assistant City Planner, Cricle-5, Greater Hyderabad Municipal Corporation, Hyderabad, respondent No.3, and the same is pending consideration.

4. 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.

5. As the representation dated 02.01.2016 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 shall duly consider the petitioner's representation dated 02.01.2016 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

March 3, 2016

LMV