

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.14965 of 2016

ORDER:

Heard Sri P. Anantha Nageswara Rao, learned counsel representing Sri N. Indrasena Reddy, learned counsel for the petitioner, and Sri

P. Krishna Reddy, learned Standing Counsel for the second respondent – Greater Hyderabad Municipal Corporation.

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

“For the reasons stated in the accompanying affidavit, 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 writ of mandamus declaring the action of the respondents No.2 to 6 in not taking action against the illegal construction undertaken by the 7th respondent over the land of old Horse Barrack located at Prince Body Guard lane and behind to petitioner’s H.No.16-10-234/4/A at Municipal Colony, old Malakpet, Hyderabad by considering the petitioner’s representation dated 13.04.2016 as illegal, arbitrary and contrary to the provisions of the Greater Hyderabad Municipal Corporation Act, 1955 and issue a consequential direction directing the respondents No.2 to 6 to take immediate action for removal of the illegal construction being undertaken by the respondent No.7 over the above said property and pass such further order or other orders as this Hon’ble High Court deems fit and proper.”

It appears that the petitioner made representation dated 13.04.2016 to the Commissioner, Greater Hyderabad Municipal Corporation, the second 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 respondent on notice as this Court is not venturing to adjudicate any issue on merits.

As the representation dated 13.04.2016 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 second respondent shall duly consider the petitioner's representation dated 13.04.2016 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

28.04.2016

GJ/PGS