

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.14363 of 2016

ORDER:

Heard Sri M. Adam, learned counsel for the petitioner, and Sri Sampath Prabhakar Reddy, learned Standing Counsel for the Greater Hyderabad Municipal Corporation.

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

“For the reasons stated in the accompanying affidavit, it is 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, to declare the action of the Respondent authorities in not taking any action with regard to the illegal and unauthorized construction made by the respondent Nos. 5 to 8 encroaching the open area admeasuring 300 Sq. Yards in Sy.No.28, 29 and 30 earmarked for Park in the Madhavi Nagar, Ferozguda village, Balanagar Mandal, Ranga Reddy District, in spite of the written complaints dt. 18-4-2015, 19-6-2015 and 14-12-2015, as being illegal, arbitrary and unjust and consequently direct the respondent authorities to forthwith remove the illegal and unauthorized construction made by the respondent Nos. 5 to 8 in the Park place and to restore the park for the welfare of the Madhavi Nagar locality people, and to grant such other relief or reliefs as this Hon'ble Court deems fit and proper in the circumstances of the case.”

It appears that the petitioner made complaints dated 18.04.2015, 19.06.2015 and 14.12.2015 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 complaints dated 18.04.2015, 19.06.2015 and 14.12.2015 made by the petitioner are yet to be acted upon, it is for the authority concerned to apply its mind to the said complaints 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 complaints. Adhering to this procedure, the authority concerned shall duly consider the petitioner's complaints dated 18.04.2015, 19.06.2015 and 14.12.2015 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 six 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
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