

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.9130 of 2016

ORDER:

Heard Sri P. Sajan Kumar, learned counsel for the petitioner, and Sri V. Satyam Reddy, learned Standing Counsel for the second respondent Karimnagar 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 a Writ, One in the nature of a Writ of Mandamus declaring the action of the 2nd and 3rd respondents in not taking any action against the illegal construction under taken by the 4th respondent in premises bearing H.No.7-2-1114, Kashmrigadda, Karimnagar Town, Karimnagar District pursuant to the Representation dated 13.01.2016, 25.01.2016 and 16.02.2016 made by the petitioner as illegal arbitrary, unconstitutional and consequently direct the 2nd and 3rd Respondents to take necessary action against the illegal construction made by 4th Respondent without leaving any setbacks in premises bearing H.No.7-2-1114, Kashmrigadda, Karimnagar Town, Karimnagar District and demolish the same and pass such other or orders as this Hon’ble Court may deem fit and proper in the circumstances of the case.”

It appears that the petitioner made representations dated 13.01.2016, 25.01.2016 and 16.02.2016 to the Commissioner, Karimnagar Municipal Corporation, the second respondent, 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 respondent on notice as this Court is not venturing to adjudicate any issue on merits.

As the representations dated 13.01.2016, 25.01.2016 and 16.02.2016 made by the petitioner are yet to be acted upon, it is for the authority concerned to apply its mind to the said representations 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 representations. Adhering

to this procedure, the second respondent shall duly consider the petitioner's representations dated 13.01.2016, 25.01.2016 and 16.02.2016 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

21.03.2016

GJ