

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.7060 of 2016

ORDER:

Heard Sri Venkateswarlu Sanisetty, learned counsel for the petitioners, and Sri P.Keshava Rao, learned Standing Counsel for Municipal Corporation-respondent Nos.2 to 4.

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

“For the reasons stated in the accompanying affidavit, it is prayed that the Hon’ble Court may be pleased to issue an appropriate Writ, order or direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the respondent authorities in not taking any action with regard to the illegal and unauthorized construction of second floor made by the 5th respondent in premises bearing H.No.6-3-220/222, 221 and 6-3-218/219 situated at Prem Nagar, Khairatabad, Hyderabad, in spite of the written complaints dated 09.10.2014 and 30.11.2015, as being illegal, arbitrary and unjust and consequently direct the respondent authorities to remove the illegal and unauthorized made by the 5th respondent, and pass such order or orders as this Hon’ble Court may deem fit and proper in the interest of justice.”

3. It appears that the petitioners made representations dated 09.10.2014 and 30.11.2015 to the Commissioner, Greater Hyderabad Municipal Corporation, Hyderabad, and the Zonal Commissioner, Greater Hyderabad Municipal Corporation, Hyderabad, respondent Nos.3 and 4, and the same are 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 representations dated 09.10.2014 and 30.11.2015 made by the petitioners

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 petitioners' representations. Adhering to this procedure, the authority shall duly consider the petitioners' representations dated 09.10.2014 and 30.11.2015 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 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