

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.10149 of 2016

ORDER:

Heard Mr. D. Yathindra Dev, learned counsel representing Ms. Deepti Anand, learned counsel for the petitioner, and Mr. Sampath Prabhakar Reddy, learned Standing Counsel for the second respondent – Greater Hyderabad Municipal Corporation.

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

“The Hon’ble Court may be pleased to pass an order or orders, direction or writ more particular one in the nature of writ of mandamus declaring the action of respondents not considering the representation dated 29.12.2015 as arbitrary, illegal, contrary to the principles of natural justice and unconstitutional and to pass such other order or orders as this Hon’ble Court may deem fit just and proper in the circumstances of the case.”

By way of the subject representation dated 29.12.2015, the petitioner requested the municipal authorities to stop the alleged illegal commercial activities of Raju Cricket Club, the fourth respondent, and to demolish the alleged illegal structures which were raised without permission.

It appears that the subject representation dated 29.12.2015 made to the Commissioner, Greater Hyderabad Municipal Corporation, the second respondent, is still 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 29.12.2015 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 29.12.2015 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 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

29.03.2016

GJ