

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No. 13390 of 2016

ORDER:

Heard Sri K. Venumadhav, learned counsel for the petitioner, and Sri N. Praveen Kumar, learned Standing Counsel for the second respondent - Korutla Municipality.

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

“This Hon’ble Court may be pleased to issue an order or direction more particularly one in the nature of writ of mandamus or any other appropriate writ declaring that the action of respondent No.2 in not taking any action against the illegal constructions which are made and being made by the respondent Nos. 3 to 5 in full tank level land of Thalla Cheruvu tank within Korutla Municipal Limits, considering the representation submitted by the petitioner dated 21.12.2015, is nothing but arbitrary, illegal, null and void and violative of principles of natural justice and also violative of Articles 14, 19 and 21 of the Constitution of India and also violative of the provisions of A.P. Municipalities Act. Consequently direct the respondent No.2 to take necessary action against the respondent Nos.3 to 5 illegal constructions and remove the same which are made and being made by them in the full tank level and within Korutla Municipal limits, considering the representation submitted by the petitioner dated 21.12.2015 , and to pass such other order or orders as this Hon’ble Court may deem fit and proper in the interest of justice.”

It appears that the petitioner made representation dated 29.12.2015 to the Commissioner, Korutla Municipality, 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 respondents 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

Date: 21.04.2016
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