

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.4906 of 2016

ORDER:

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

“For the reasons stated in the accompanying affidavit it is therefore prayed that this Hon'ble Court may be pleased to issue a Writ, order or direction, one more particularly in the nature of writ of “Mandamus” declaring the action of the respondents No.1 to 3 herein in not initiating action against the illegal construction undertaken by the 4th and 5th respondent herein in premises bearing H.No.5-11-41/B, Old Bus Stand, Nirmal, Adilabad District is illegal, arbitrary, unconstitutional and contrary to the provisions of the A.P. Municipalities Act, 1965 and the Rules made there under and consequently direct the respondents 1 to 3 to forthwith demolish the illegal constructions being made by the 4th and 5th respondent in H.No.5-11-41/B, Old Bus Stand, Nirmal, Adilabad District and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

It appears that the petitioner made representation dated 15.09.2015 to the Commissioner, Nirmal Municipality, Adilabad District, 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 15.09.2015 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

15.09.2015 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

16th February, 2016
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