

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.15197 of 2016

ORDER:

Heard Sri Chandraiah Sunkara, learned counsel for the petitioner, and Sri S.D.Goud, learned Standing Counsel for the Anantapur Municipal Corporation.

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

“It is prayed that this Hon’ble High Court may be pleased to issue any appropriate writ, order, direction more particularly one in the nature of writ of mandamus, declaring the action of the 2nd and 3rd respondents in not demolishing the encroachment structures made on Bellary to Kalyan Durgam Road at Satyadev Nagar, by the Respondents No.6 to 8, pursuant to the Notice dated 27.07.2015 issued by the 2nd respondent U/s 402 and 405 of HMC Act of 1955 and the Letters dated 30.03.2015, 27.04.2015, 09.09.2015, and 18.11.2015 issued by the 3rd Respondent and issuing the letter Meekosam Complaint No.01-2016-G1, dated 11-02.2016 as arbitrary, illegal and violative of Articles 14 and 21 of the Constitution of India and also contrary to the provisions of HMC Act, 1955 and consequently direct the 2nd and 3rd Respondents to demolish the illegal structures made by the Respondents No.6 to 8 on Bellary to Kalyan Durgam Road at Satyadev Nagar and pass such other orders as may be just.”

3. The material placed on record reflects that the municipal authorities initiated action in relation to the alleged illegal constructions made by the unofficial respondents at the behest of the petitioner. The letter issued by the municipal authorities in this regard also refers to the petitioner’s complaint. However, the grievance of the petitioner presently is that the municipal authorities are not taking any follow up action having initiated the process by issuing the required notice under the statutory

provisions.

4. As this Court does not propose to adjudicate any issue on merits and in the light of the order being passed, there is no necessity to put the unofficial respondents on notice.

5. It is for the municipal authorities to take appropriate action in the matter as warranted in accordance with law. In the course of such exercise, the municipal authorities are bound to give due notice and opportunity of hearing to all, who would be affected by any decision taken pursuant to the notice issued at the behest of the petitioner. Adhering to this procedure, the municipal authorities shall take appropriate action in the matter in accordance with law, if warranted. 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

April 28, 2016
LMV