

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.9250 of 2016

ORDER:

Heard Sri P. Ponna Rao, learned counsel for the petitioner, and Sri Ancha Panduranga Rao, learned Standing Counsel for the second respondent Municipal Corporation.

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 or order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the

2nd respondent in not stopping the 3rd respondent from proceeding with the illegal construction and not demolishing the structures contrary to sanctioned plan at plot bearing D.No. 24-7-487, First Lane, Ravindra Nagar as illegal, high handed and violative of Articles 14, 21 and 300-A of the Constitution of India and consequently direct the respondents to demolish the structures/construction made illegally and violating the sanctioned plan forthwith by the 3rd respondent at plot bearing D.No. 24-7-487, First Lane, Ravindra Nagar and pass such other order or orders as this Hon'ble Court deems fit and proper in the interest of justice.”

It appears that the petitioner made representations dated 24.12.2014, 10.01.2015, 20.02.2015 and 01.12.2015 to the Nellore Municipal Corporation, the second respondent, and the same are 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 representations dated 24.12.2014, 10.01.2015, 20.02.2015 and 01.12.2015 made by the petitioner 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 petitioner's representations. Adhering to this procedure, the second respondent Municipal Corporation shall duly consider the petitioner's representations dated 24.12.2014, 10.01.2015, 20.02.2015 and 01.12.2015 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

22nd March, 2016
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