

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.11572 of 2016

ORDER:

Heard Sri A. Vijay Bhaskar Reddy, learned counsel for the petitioner association, and Sri Pasham Krishna Reddy, learned Standing Counsel for the Greater Hyderabad Municipal Corporation.

The prayer of the petitioner association 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 pass an order, direction or writ more particularly one in the nature of writ of mandamus declaring the action of the official Respondents in not considering the Complaints Dated 10.12.2015 and 07.01.2016 submitted by the Petitioner Association wherein it had requested the Respondent Nos. 1 & 2 to take action against illegal construction of Four Shops in the undivided share of land which is meant for parking area in Radhika Residency, Premises bearing No.5-7-312 on Plot Nos.391 and 392, forming part of Sy.Nos.201/1 & 2, situated at Ward No.5, Block No.7, B.N. Reddy Colony, Saheb Nagar Kalan Village, Hayathnagar Mandal, under GHMC Ranga Reddy District as illegal, arbitrary and in violation of principles of natural justice and in violation of provisions of GHMC Act and consequently direct the Respondent Nos.1 to 2 to remove the unauthorized 4 shops constructed in the parking area which is meant for exclusively parking of the vehicles of the Flat Owners of the said Radhika Residency and pass such other and further order or orders as are deemed fit and proper in the circumstances of the case and in the interest of justice.”

It appears that the petitioner association made complaints dated 10.12.2015 and 07.01.2016 to the authorities of the Greater Hyderabad Municipal Corporation 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 respondents on notice as this Court is not venturing to adjudicate any issue on merits.

As the complaints dated 10.12.2015 and 07.01.2016 made by

the petitioner association are yet to be acted upon, it is for the authority concerned to apply its mind to the said complaints 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 association's complaints. Adhering to this procedure, the authority concerned shall duly consider the petitioner association's complaints dated 10.12.2015 and 07.01.2016 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

7th April, 2016

Note:-

Issue CC by 11.04.2016.

B/o

PGS/IBL