

THE HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

WRIT PETITION No. 19173 of 2016

ORDER :

Heard the learned counsel for the petitioner and Sri P.Krishna Reddy, learned Standing Counsel for respondent No.2. At the request of both the counsel, the Writ Petition itself is taken up for disposal at the stage of admission.

2. Since this Court is not adjudicating the matter on merits, it is not necessary to issue notice to unofficial respondent No.3.

3. The present Writ Petition came to be filed with the following prayer:

“... to issue Writ, Order or Direction more particularly one in the nature of Writ of Mandamus, declaring the action of the respondent No.2 in allowing the 3rd respondent from making illegal structures in the land of the petitioner in an extent of Ac.1.20 guntas, situated in Sy. No.33 of Theegalaguda village, Saidabad Revenue Mandal, Hyderabad without having any construction permission or municipal approval without there being any right, title, interest nor possession over the subject property, being illegal, arbitrary and violative of Articles 14 and 300-A of the Constitution of India apart from being violative of principles of natural justice and consequently direct the respondent No.2 to forthwith initiate action against the 3rd respondent

in accordance with law and pass..”

4. Though various grounds are raised in the Writ Petition, learned counsel for the petitioner seeks direction to respondent No.2 to consider the representation dated 13.05.2016 made by the petitioner to the District Collector, Hyderabad, a copy of which is marked to respondent No.2, questioning encroachments made by respondent No.3 and pass orders thereon at the earliest. Learned Standing Counsel for respondent No.2 submits that if such representation is pending consideration, the same will be considered in accordance with law.

5. In view of the representation made and having regard to the circumstances of the case, respondent No.2 is directed to consider and pass appropriate order on the representation dated 13.05.2016 made by the petitioner, in accordance with law after giving an opportunity of hearing to respondent No.3, as early as possible preferably within a period of six weeks from the date of receipt of a copy of this Order. If no such representation is available with respondent No.2, liberty is given to the petitioner to make a fresh representation, in which event, the same shall be considered and appropriate orders thereon shall be passed after providing an opportunity of hearing to respondent No.3, as early as possible preferably within a period of six weeks from the date of

receipt of such representation, in accordance with law.

6. The Writ Petition is disposed of with the aforesaid direction. Miscellaneous petitions pending, if any, in the Writ Petition shall stand closed in the light of this final order. No order as to costs.

C.PRAVEEN KUMAR, J

16.06.2016

DRK

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