

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.15310 of 2016

ORDER:

Heard Sri Mohd.Zia-ul-Haque, learned counsel for the petitioner, and Sri N.Rishi Kumar, learned counsel representing Sri N.Ashok Kumar, learned Standing Counsel for the second respondent-Greater Hyderabad Municipal Corporation.

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

“... that this Hon'ble Court may be pleased to issue a Writ, Order or Direction more particularly one in the nature of “Writ of Mandamus” declaring the inaction of Respondent Nos.2 & 3 in not taking any action against the illegally constructed Shop under the name and style of “S.A.Royal Fruit” in premises No.12-2-788, Vijayanagar Apartments, Medhipatnam, Hyderabad, inspite of giving complaint dt.19-04-2016 as arbitrary and illegal and also violative of Hyderabad Municipal Corporation Act and consequently direct the Respondent Nos.2 & 3 to initiate action against the Respondent No.4 as per law in the interest of justice and may pass such Order or Orders as this Hon'ble Court may deem fit and proper under the facts and circumstances of the case.”

3. It appears that the petitioner made representation dated 19.04.2016 to the Assistant City Planner, Circle No.7, West Zone, Khairtabad, Hyderabad, the third respondent, and the same is pending consideration.

4. 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.

5. As the representation dated 19.04.2016 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 third respondent shall duly consider the petitioner's representation dated 19.04.2016 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

April 28, 2016
LMV