

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.6776 of 2016

ORDER:

Heard Sri Mohd. Mumtaz Pasha, learned counsel for the petitioner, and Sri P. Krishna Reddy, learned Standing Counsel for the Greater Hyderabad Municipal Corporation.

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

“Therefore it is prayed that this Hon'ble Court may be pleased to issue a writ, order or directions more particularly writ of mandamus declaring the inaction of the respondents No. 2 & 3 in not taking any action against the said illegal and unauthorized constructions raised by the respondent No. 4 without any sanction, plan or building permission in petitioner's premises bearing H. No.3-5-8, Ramanthapur Main Road, Ramanthapur, Circle-II Uppal, GHMC, Hyderabad against to the building by laws, rules and regulations is arbitrary and illegal and opposed to all canons of justice consequently to direct the 2nd & 3rd respondent to remove the said illegal and unauthorized constructions raised by the 4th respondent without any approved plan or building permission in premises bearing H.No.3-5-8, Ramanthapur Main Road Ramanthapur, Uppal Circle-II GHMC, Hyderabad, and pass such other order or orders as the Hon'ble Court deems fit and proper in the interests of justice.”

It appears that the petitioner made representations dated 02.12.2015, 10.12.2015 and 28.12.2015 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 respondent on notice as this Court is not venturing to adjudicate any issue on merits.

As the representations dated 02.12.2015, 10.12.2015 and 28.12.2015 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 authority concerned shall duly consider the petitioner's representations dated 02.12.2015, 10.12.2015 and 28.12.2015 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 three 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

2nd March, 2016

Note:-

Issue CC in two days.

B/o

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