

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.5258 of 2016

ORDER:

Heard Sri N. Chandra Sekhar Reddy, learned counsel for the petitioner, and Sri P. Krishna Reddy, learned Standing Counsel for GHMC.

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, order or direction more particularly one in nature of writ of Mandamus, declaring the inaction of respondents 2 to 3 in not restraining the 4th Respondent from making constructions in setback areas on the western side of the 4th Respondent's building in violation of Building Bye Laws & Zoning Regulations as illegal and arbitrary and consequently direct the Respondents 2 to 3 to pull down constructions made by the Respondent No.4 in setback areas open to the sky, on the western side of the 4th Respondent's building and to pass such other orders as this Hon'ble Court may deem fit and proper in the circumstances of case, in the interest of justice.”

It appears that the petitioner made representations dated 04.02.2016, 08.02.2016 and 12.02.2016 to 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 04.02.2016, 08.02.2016 and 12.02.2016 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 Corporation shall duly consider the petitioner's representations dated 04.02.2016, 08.02.2016 and 12.02.2016 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 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

18th February, 2016
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