

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.11991 of 2016

ORDER:

Heard Sri K. Ravinder Reddy, learned counsel for the petitioner, and Sri N. Ashok Kumar, learned Standing Counsel for the second respondent – Greater Hyderabad Municipal Corporation.

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

“The Hon’ble Court may be pleased to issue any writ, order or direction more particularly one in the nature of writ of Mandamus, to declare the inaction of the respondents in taking any action against the Respondent No.5 in spite of the representation dated 08.03.2016 as is illegal, arbitrary, and against the principles of natural justice and in violation of Articles 14, 21 and 300-A of the Constitution of India. Consequently direct the official respondents to remove the drainage line laid in the open space of the petitioner in H.No.12-2-38 and also to remove the structures constructed by the respondent No.5 in H.No.12-2-38 without leaving any setbacks and opening ventilators towards the house of the petitioner, in the interest of justice and pass such other order or orders as deemed fit and proper in the circumstances.”

It appears that the petitioner made representation dated 08.03.2016 to the Commissioner, Greater Hyderabad Municipal Corporation, the second respondent, and the same is 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 representation dated 08.03.2016 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 second

respondent shall duly consider the petitioner's representation dated 08.03.2016 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

12.04.2016

GJ