

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.6006 of 2016

ORDER:

Heard Sri M.S. Chandresh, learned counsel for the petitioners, and Sri N. Praveen Kumar, learned Standing Counsel for the second respondent - Municipality.

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

“For the reasons stated in the accompanying affidavit, the petitioner herein prays that this Hon’ble Court may be pleased to issue a Writ of Mandamus or other appropriate order or direction in the nature of a Writ declaring that the inaction of respondent No.2 in taking action on the representation of the petitioners dated 08.01.2016 and his failure to restrain respondents 3 to 5 from making constructions in the open plot admeasuring 294.50 sq.yards in Sy.No.1585, Edigoan, Nirmal, Adilabad as illegal, arbitrary and violative of Article 14 and 300A of Constitution of India and direct the official respondents 1 and 2 herein to forthwith demolish the illegal construction made by respondents 3 to 5 in the said plot in the interest of justice and pass such other or further orders as this Hon’ble Court deems fit and proper in the circumstances of the case.”

It appears that the petitioners made representation dated 08.01.2016 to the Commissioner, Nirmal Municipality, Nirmal, Adilabad District, 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 respondents on notice as this Court is not venturing to adjudicate any issue on merits.

As the representation dated 08.01.2016 made by the petitioners 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 petitioners’ representation. Adhering to this procedure, the second

respondent shall duly consider the petitioners' representation dated 08.01.2016 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

24.02.2016

GJ