

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.8964 of 2016

ORDER:

Heard Sri P. Gangarami Reddy, learned counsel for the petitioner, and Sri Ancha Panduranga Rao, learned Standing Counsel for third respondent – SPSR Nellore Municipal Corporation.

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

“For the reasons stated in the accompanying affidavit, it is hereby prayed 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 building permission sanctioned by the 3rd respondent vide B.A.No.525/2012/G1 dt. 23-7-2015 and allowing the 5th respondent to make construction contrary to Building Rules 2012 as illegal, arbitrary and without justification and consequently set aside the building permission B.A.No.525/2012/G1 dt. 23-7-2015, and pass such other order or orders as deem fit and proper in the circumstances of the case.”

It appears that the petitioner made representation dated 27.02.2016 to the Commissioner, SPSR Nellore Municipal Corporation, the third 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 27.02.2016 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 27.02.2016 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 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

18.03.2016

GJ