

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.9951 of 2016

ORDER:

Heard Sri S.M. Subhani, learned counsel for the petitioner, and Sri Pasham Krishna Reddy, 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 a Writ order or direction more particularly one in the nature of Writ of Mandamus, declaring the inaction of respondents 2 to 4 against the illegal constructions raising by the 5th respondent by encroaching upon the public road about 4' to 8' feet below the High tension Electrical wire at premises part of plot bearing No.40 North west portion in Sy.No.33 and 38 at Mamata Nagar Colony, Nagole village, Uppal Mandal, Ranga Reddy district in spite of petitioner's representations dated 24.11.2015, 12.1.2016 before the 2nd and 3rd respondent which was registered as Grievance Cell No.52988/01/12/2015 and CTZ2016009898 and representation before the 4th respondent dt.20th January 2016 is illegal, arbitrary and unconstitutional, dereliction of duties and violation of the provisions of Greater Hyderabad Municipal Corporation Act 1955 and consequently direct the respondents 2 and 4 to demolish the illegal constructions already raised by the 5th respondent at the above premises and pass such other or orders as this Hon’ble Court may deem fit and proper in the circumstances of the case.”

It appears that the petitioner made representations dated 24.11.2015 and 12.01.2016 to the Commissioner, Greater Hyderabad Municipal Corporation, the second respondent, 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 24.11.2015 and 12.01.2016 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 second respondent shall duly consider the petitioner's representations dated 24.11.2015 and 12.01.2016 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 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

29.03.2016

GJ