

THE HON'BLE SRI JUSTICE SANJAY KUMAR

-
WRIT PETITION No.11453 OF 2016

ORDER:

Heard Sri T.S. Anand, learned counsel for the petitioner association, Smt. Pingali Lakshmi, learned counsel representing Sri Sampath Prabhakar Reddy, learned Standing Counsel for the Greater Hyderabad Municipal Corporation, and Smt. C. Avani Reddy, learned counsel representing Sri Avinash Desai, learned counsel for the fourth respondent society.

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

“For the reasons stated in the accompanying affidavit, it is prayed that this Honourable 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 the 2nd respondent corporation in passing orders by invoking Section 379 of the Municipal Corporation Act, 1955 and by prohibiting use of public streets for certain kinds of traffic to prevent danger obstruction or inconvenience to the public by fixing up posts at both ends of such streets or portion of such streets is arbitrary, illegal, capricious, high handed, violate the fundamental rights guaranteed to the petitioner association under Articles 14, 19(1)(g), 21 and the guarantee under Article 300-A of the constitution of India, the Statutory provisions of the Municipal Corporation Act, 1955 and the rules made there under apart from being in violation of the principles of natural justice and fair play and consequently direct the 2nd Respondent Corporation to invoke Section 379 of the Municipal Corporation Act, 1955 by prohibiting vehicular traffic in the petitioner's colony by fixing up posts at both ends of the petitioner's street or portion of such streets thereby regulating the movement of vehicular traffic in the petitioner's colony and pass such other order or orders as may be deemed fit and proper in the circumstances of the case.”

It appears that in terms of the interim order dated 25.03.2015 passed by this Court in W.P.M.P.No.6078 of 2015 in W.P.No.4584 of

2015 filed by the fourth respondent society, the petitioner association made a representation to the Commissioner of the Greater Hyderabad Municipal Corporation on 11.03.2016 seeking exercise of powers under Section 379 of the Greater Hyderabad Municipal Corporation Act, 1955. The Corporation has not taken any decision upon the said representation till date.

As the authority concerned is yet to apply its mind to the representation dated 11.03.2016 made by the petitioner association and take a decision in the matter, this Court sees no reason to entertain this writ petition for adjudication on merit.

The writ petition is accordingly disposed of directing the Commissioner of Greater Hyderabad Municipal Corporation to consider the representation dated 11.03.2016 made by the petitioner association in accordance with law and take appropriate action thereon as warranted. In the course of this exercise, the Commissioner shall give due opportunity of hearing to the fourth respondent society by inviting its objections, if any, to the request made by the petitioner association. This entire 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.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

**JUSTICE SANJAY
KUMAR**

7th April, 2016

Note:-

Issue CC by 11.04.2016.

B/o

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