

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.11846 of 2016

ORDER:

Heard Sri N. Subba Rao, learned counsel for the petitioners,
and
S r i Md. Saleem, learned Standing Counsel for Madanapalle
Municipality, and the learned Standing Counsel for the Wakf Board.

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 any other appropriate Writ, order or direction, declaring the action of the 2nd respondent failure to take action with regard to the illegal constructions being made by the 5th respondent in the land situated in Sy.Nos.130 and 144 of B.K.Palli village, Madanapalle Mandal, Chittoor district, though it is within the knowledge of the 2nd respondent with regard to the illegal construction being made by the 5th respondent, as illegal, arbitrary and is in contravention of the provisions made in the A.P. Municipalities Act and the Rules made thereunder and consequently direct the respondents 1 to 4 to take action against the illegal construction being made by the 5th respondent in the land situated in Sy.Nos.130 and 144 of B.K.Palli village, Madanapalle Mandal, Chittoor district as per the provisions of the A.P. Municipalities Act and the Rules made thereunder and pass such other or further orders as are deemed fit and proper.”

Sri N. Subba Rao, learned counsel, stated that the petitioners were signatories to the representation dated 29.12.2014 which was acted upon by the Government of Andhra Pradesh, through its Municipal Administration and Urban Development Department. A copy of the memo dated 03.06.2015 addressed by the Deputy Secretary to the Government, Municipal Administration and Urban Development Department, Government of A.P., to the Commissioner, Madanapalle Municipality, and also the Commissioner and Director of

Municipal Administration, whereby the Government sought necessary action to be taken as per Rules, is placed on record.

In that view of the matter, the municipal authorities can be said to be seized of the representation made by the petitioners and it is for them to apply their 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 Municipality shall duly consider the petitioners' representation 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

11th April, 2016

Note:-

Issue CC in two days.

B/o

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