

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.5178 of 2016

ORDER:

Heard Sri R.A. Achuthanand, learned counsel for the petitioner, and Sri N. Ashok Kumar, learned Standing Counsel for GHMC.

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

“For the reasons stated in the accompanying affidavit, the Petitioner herein prays that the Hon'ble Court may be pleased to issue an appropriate writ, order or direction preferably a Writ in the nature of Writ of Mandamus by declaring the inaction of the respondents 1 to 4 in not considering the representations of the petitioner dated

21st December, 2015; 28th December 2015; and 4th February 2016 by not removing the illegal and unauthorized construction carried by Respondent No.5 to 9 in the set back areas viz Front Side – 3 meters (Western Side); Rear Side – 3.5 meters (Eastern side); 3.5 meters each on both southern and northern sides; and also third and fourth floor, forming part of premises bearing M.No.4-3-339 and 340, admeasuring 526 sq yards, situated at RBH Lane, Sultan Bazaar, Hyderabad in the interest of justice. And pass such other order or orders as the Hon'ble Court deems fit and proper in the circumstances of the case.”

It appears that the petitioner made representation dated 04.02.2016 to the Greater Hyderabad Municipal Corporation, the first 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 04.02.2016 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 first respondent shall duly consider the petitioner's representation dated 04.02.2016 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 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

18th February, 2016
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