

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.7373 of 2016

ORDER:

Heard Sri Mohd. Manzoor Nayeem, learned counsel for the petitioners, and Sri Mohd. Saleem, learned Standing Counsel for the second respondent - Municipality.

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

“For the reasons stated in the accompanying affidavit, it is prayed that this Hon’ble Court may be pleased to issue Writ, order or direction, particularly in the nature of Writ of Mandamus declaring the inaction of the respondents No.1 & 2 in not demolishing the illegal structures raised by the respondent No.3 at H.No.26-4-848, RP & GT Road, Hindupur, Anantapur District, thereby encroaching upon the road margin to an extent of 3 feet as illegal and arbitrary and pass such other order or orders as deemed fit and proper.”

It appears that the petitioners made representation dated 08.07.2015 to the Commissioner, Hindupur Municipality, the second 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 08.07.2015 made by the petitioners 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 petitioners’ representation. Adhering to this procedure, the second respondent shall duly consider the petitioners’ representation dated 08.07.2015 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

08.03.2016

GJ