

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.13018 of 2016

ORDER:

Heard Sri N. Srihari, learned counsel for the petitioner, and Sri Ancha Panduranga Rao, learned Standing Counsel for the second respondent – Guntur Municipal Corporation.

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

“Hon'ble Court may be pleased to issue a Writ or order more particularly one in the nature of writ of Mandamus or any other appropriate writ or direction, declaring the action of the 2nd respondent in not taking any action against the illegal construction of the 4th respondent in the property in an extent of 442.3 sq. yards situated at D.No.159, ULC Survey No.59/1A of Koritepadu, Guntur, pending disposal of W.P.No.18934 of 2010 as illegal, arbitrary, unjust and consequently, direct the 2nd respondent to take action on the illegal construction of the 4th respondent with regard to the property in an extent of 442.3 sq. yards situated at D.No.159, ULC Survey No.59/1A of Koritepadu, Guntur, as it deems fit and proper in the circumstances of the case.”

It appears that the petitioner got issued a legal notice to the Commissioner, Guntur Municipal Corporation, the second respondent, which was received by it on 04.02.2016, 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 legal notice issued by the petitioner is yet to be acted upon, it is for the authority concerned to apply its mind to the said legal notice 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 legal notice. Adhering to this procedure, the second respondent shall duly consider the petitioner's legal notice 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

20.04.2016

GJ