

**THE HON'BLE SRI JUSTICE SANJAY KUMAR**

**WRIT PETITION No.12596 of 2016**

**ORDER:**

Heard Sri P. Shiv Kumar, learned counsel for the petitioner, and Sri N. Rishi Kumar, learned counsel representing Sri N. Ashok Kumar, learned Standing Counsel for the Greater Hyderabad Municipal Corporation.

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

“For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon'ble Court may be pleased to issue a writ or order or direction more particularly one in the nature of WRIT OF MANDAMUS, declaring the action of the Respondents 2 to 4 in not taking any action to demolish the illegal structures raised by the Respondent No.5 on the property bearing municipal H.No.4-5-896/4/3, Kruparambagh, Sultan Bazar, Hyderabad despite acknowledging the complaints given by the petitioner from time to time and having found that the Respondent No.5 had deviated from the sanction plan in constructing the building as arbitrary, un-constitutional, violative of provisions of HMC Act, and consequently direct the Respondents 2 to 4 to demolish the illegal structures raised by the Respondent No.5 on the said property and pass such other order or orders may deem fit and proper in the circumstances of the case.”

Sri N. Rishi Kumar, learned counsel, would state that the municipal authorities have already initiated action by issuing notice dated 28.03.2016 under Sections 452(1) and 461(1) of the Greater Hyderabad Municipal Corporation Act, 1955, in relation to the construction being raised by the fifth respondent.

As the Municipal Corporation is yet to take action pursuant to the notice dated 28.03.2016, it is wholly premature at this stage for this Court to entertain this writ petition for adjudication on merits when the authority concerned is yet to apply its mind in the matter and take a decision. Further, this Court deems it unnecessary to put the unofficial

respondent on notice as the writ petition is being disposed of without adjudication on merits of any issue arising in this writ petition.

The writ petition is accordingly disposed of directing the Greater Hyderabad Municipal Corporation to take appropriate action pursuant to the notice dated 28.03.2016 in accordance with law. In the course of this exercise, the Corporation shall give due notice and opportunity of hearing to all persons who would be affected by any decision taken by it pursuant to the afore-stated notice. 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 also stand dismissed. No order as to costs.

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**JUSTICE SANJAY KUMAR**

18<sup>th</sup> April, 2016

Note:-

Issue CC in two days.

B/o

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