

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.11087 of 2016

ORDER:

Heard Sri Challa Dhanamjaya, learned counsel for the petitioner, and Sri Nimmagadda Venkateswarlu, learned Standing Counsel for the Pithapuram Municipality.

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 in the nature of Writ of Mandamus, declaring the action of the official respondents in allowing the 10th respondent to construct a function hall without approved plan for conducting marriage and other functions causing unabated nuisance to the petitioner is illegal, arbitrary and violative of Articles 19 and 21 of Constitution of India and a consequential order directing the official respondents to forthwith prevent the 10th respondent from causing nuisance and pollution to the petitioner by running S. R. Function Hall in unauthorizedly constructed complex bearing Door No.11-2-128 by demolishing the said complex considering the petitioner's representation dated 24.02.2015 and to pass such other order or orders as this Hon’ble Court may deem fit just and proper in the circumstances of the case.”

It appears that the petitioner made representation dated 24.02.2015 to the Pithapuram Municipality, the third 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 24.02.2015 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 third respondent Municipality shall duly consider the petitioner's representation dated 24.02.2015 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 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

4th April, 2016

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