

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.7190 of 2016

ORDER:

Heard Sri P. Karunakar Reddy, learned counsel for the petitioner, and Sri Chatla Madhu, 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 more particularly one in the nature of writ of mandamus declaring the action of the respondents 2 to 10 in not stopping the illegal digging of pits and changing the nature of the part of land of the petitioner in survey No.1 of Gajularamaram village, Quthubullapur mandal, Rangareddy District admeasuring Ac.5.13 guntas and not cancelling the building permission if any standing in the name of the respondents 13 and 14 inspite of the petitioner representation dated 11-2-2016 and not furnishing the information sought by the petitioner with regard to the respondents 13 and 14 illegal construction activity as illegal, arbitrary, unjust, against Article 300 A of Constitution of India and also against the provisions of HMC Act 1955 and Rules thereon and consequential directions to the respondents 2 to 12 to take the immediate steps for stopping of illegal construction activity and changing the nature of the part of the land of the petitioner carrying on by the respondents 13 and 14 over the petitioner landed property i.e., survey No.1 of Gajularamaram village, Quthubullapur mandal, Rangareddy District admeasuring Ac.5.13 guntas including interference by the respondents in any manner over the petitioner property i.e., survey No.1 of Gajularamaram village, Quthubullapur mandal, Rangareddy District admeasuring Ac.5.13 guntas 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 11.02.2016 to the respondent authorities 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 11.02.2016 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 authority concerned shall duly consider the petitioner's representation dated 11.02.2016 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

9th March, 2016
PGS