

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.14164 of 2016

ORDER:

Heard Sri Mohammed Rahail Ahmed, learned counsel for the petitioner, and Sri Pasham Krishna Reddy, learned Standing Counsel for the Greater Hyderabad Municipal Corporation.

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

“It is therefore humbly prayed that this Honourable Court may be pleased to issue a writ, order or direction, more particularly a writ of Mandamus declaring the inactions of the 1st and 2nd respondents for demolishing the illegal structures constructed by the 3rd respondent at H.No.11-8-77(LIG 20), HUDA Employees Colony, Saroonagar, Ranga Reddy District are illegal, arbitrary, discriminatory, ultra vires, null and void, and against the fundamental and constitutional rights of the petitioner in the interest of justice and equity.”

It appears that the petitioner made complaint dated 16.03.2016 to the Greater Hyderabad Municipal Corporation 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 complaint dated 16.03.2016 made by the petitioner is yet to be acted upon, it is for the authority concerned to apply its mind to the said complaint 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 complaint. Adhering to this procedure, the authority concerned shall duly consider the petitioner's complaint dated 16.03.2016 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 four weeks from the date of receipt of a copy of this order.

Sri Pasham Krishna Reddy, learned Standing Counsel, would however state that the petitioner would not be immuned from municipal action in the event he has resorted to illegal constructions. Needless to state, merely because the petitioner has approached this Court, it would not protect any illegal constructions made by him from appropriate action in accordance with law. It would always be open to the municipal authorities to take appropriate action even against the constructions made by the petitioner, if warranted, in accordance with the due procedure.

The writ petition is disposed of with the above observations and directions. Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE SANJAY KUMAR

26th April, 2016
IBL/PGS