

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.4661 of 2016

ORDER:

Heard Sri Praveen Kumar Veerjala, learned counsel for the petitioner, and Sri N.Praveen Kumar, learned standing counsel for the second respondent municipality.

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

‘It is prayed that this Hon’ble Court may be pleased to issue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, to declare the action of the Respondent Nos.2 and 3 herein in not taking any action for cancellation of House No.30-2-1/62 and regarding the unauthorized construction made by the 4th respondent in the petitioner’s land situated in Sy.No.586 of Prashanthi Nagar Colony, Paloncha Village and Mandal, Khammam District, inspite of the Written representation dt.06.1.2016 followed by repeated visits, as being illegal, arbitrary and unjust and consequently direct the respondent authorities to remove the unauthorized construction made by the 4th respondent duly canceling the H.No.30-2-1/62 pursuant to the representation dt.06.01.2016, and to grant such other relief or reliefs as this Hon’ble Court deems fit and proper in the circumstances of the case.’

It appears that the petitioner made representation dated 06.01.2016 to the Commissioner, Paloncha Municipality, Paloncha, Khammam District, the second 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 06.01.2016 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 second respondent shall duly consider the petitioner's representation dated 06.01.2016 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

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