

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.14982 of 2016

ORDER:

Heard Sri Kasa Jaganmohan Reddy, learned counsel for the petitioner, and Sri V. Satyam Reddy, learned Standing Counsel for the first respondent – Nizamabad Municipal Corporation.

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

“For the reasons stated in the accompanying affidavit, it is therefore prayed that this Hon'ble Court may be pleased to pass orders particularly one in the nature of writ of mandamus declaring the inaction of the 1st respondent on the petitioner's request dt.15.02.2016 to remove unauthorized constructions as arbitrary, unfair, illegal and violative of article 14, 19 and 21 of the Constitution of India and Municipal sanction plan and consequently direct the respondents to remove the unauthorized constructions and pass such other order or orders as may be deemed just and necessary in the interests of justice.”

It appears that the petitioner made representation dated 15.02.2016 to the Commissioner, Nizamabad Municipal Corporation, the first 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 15.02.2016 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 first respondent shall duly consider the petitioner's representation dated 15.02.2016 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 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

28.04.2016

GJ/PGS