

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.6410 of 2016

ORDER:

Heard Sri C. Ramesh Sagar, learned counsel for the petitioner, and Sri V. Satyam Reddy, learned Standing Counsel for the third respondent Municipal Corporation.

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

“For the reasons set forth in the affidavit filed herewith, the petitioner most humbly prays that this Hon'ble Court may be pleased to issue an Order, Direction, Writ more in the nature of Writ of Mandamus declaring the action of respondents 2 and 3 in not taking action for stopping unauthorized construction of house being carried on by respondents Nos. 4 & 5 in 102 square yards plot situate in Khanpura locality of Karimnagar proper within the limits of the Office of respondent No. 3 without leaving set back on Northern side road and on Eastern side road in contravention, deviation of Building Rules in spite of objections filed in writing to the Mayor of Karimnagar Municipal Corporation Karimnagar on 22-08-2015, to the respondent No.2 on 18-01-2016 in Prajavani as bad, illegal, arbitrary, opposed to principles of natural justice and to set aside the same consequently directing the respondents 2 and 3 to remove unauthorized construction made by respondents Nos. 4 and 5 and be pleased to pass such other order or orders as this Hon'ble Court deems fit and proper in the circumstances of the case.”

It appears that the petitioner made representation dated 22.08.2015 to the third respondent Corporation and also another representation dated 18.01.2016 to the District Collector, Karimnagar, which was forwarded to third respondent Corporation, and the same are 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 representations dated 22.08.2015 and 18.01.2016 made

by the petitioner are yet to be acted upon, it is for the authority concerned to apply its mind to the said representations 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 representations. Adhering to this procedure, the third respondent shall duly consider the petitioner's representations dated 22.08.2015 and 18.01.2016 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

29th February, 2016
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