

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.14556 of 2016

ORDER:

Heard Sri S. Bhoomaiah, learned counsel for the petitioner, and Sri Pasham Krishna Reddy, learned Standing Counsel for the second respondent - Greater Hyderabad Municipal Corporation (GHMC).

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

“For the reasons stated in the accompanying affidavit, the Hon’ble Court may be pleased to issue any appropriate Writ, Order or direction more particularly one in the nature of a Writ of Mandamus declaring the action of respondent Nos.1 and 2 in not removing the unauthorized construction by occupying the public road on the southern side of Plot No.24, in Sy.No.30 Vivekanandanagar Colony, Mansoorabad Village, Saroornagar Mandal, Ranga Reddy District, under the limits of G.H.M.C., L.B.Nagar, Circle-3, as illegal, arbitrary, contrary to the provisions of G.H.M.C. Act, and consequently direct the respondents to take forthwith action against the illegal construction over the public road by the 3rd respondent in the interest of justice and equity and pass such other order or orders as this Hon’ble Court may deem fit and proper in the circumstances of the case.”

It appears that the petitioner made representation dated 29.03.2016 to the Commissioner, GHMC, Hyderabad, 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 29.03.2016 made by the petitioner is yet to be acted upon, it is for the authority concerned to apply its mind to the said 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 29.03.2016 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.

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

27.04.2016

GJ/PGS