

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.12418 of 2016

ORDER:

Heard Sri Praveen Kumar Veerjala, learned counsel for the petitioner, and Sri N. Rishi Kumar, learned counsel representing Sri N. Ashok Kumar, learned Standing Counsel for the Greater Hyderabad Municipal Corporation.

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

“For the reasons stated in the accompanying affidavit, 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 inaction of the respondent authorities in taking action with regard to the illegal construction made in the premises bearing

M.Nos. 5-7-553 & 5-7-554, admeasuring 182.00 Sq. yards, situated at Yousufain Durga, Nampally, Hyderabad, by not following the permission, in spite of the written complaints and followed by repeated Visits, as being illegal, arbitrary and unjust and consequently direct the respondent authorities to take steps to demolish the illegal construction made by the unofficial respondent No.5, 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 complaints dated 28.03.2016 and 09.04.2016 to the authorities of the Greater Hyderabad Municipal 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 respondent on notice as this Court is not venturing to adjudicate any issue on merits.

As the complaints dated 28.03.2016 and 09.04.2016 made by the petitioner are yet to be acted upon, it is for the authority concerned to apply its mind to the said complaints 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 complaints. Adhering to this procedure, the authority concerned shall duly consider the petitioner's complaints dated 28.03.2016 and 09.04.2016 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

13th April, 2016
PGS/IBL