

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.15355 of 2016

ORDER:

Heard Ms. Vladimeer Khatoon, learned counsel representing Mr. Pappu Srinivasa Rao, learned counsel for the petitioner, and Mr. Nimmagadda Venkateswarlu, learned Standing Counsel for the second respondent – Amalapuram Municipality.

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

“The Hon'ble Court may be pleased to issue a Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the impugned action of the 2nd respondent in not responding or not taking action against several oral complaints including the complaint Dt.04.04.2016 and Dt.18.04.2016 against the 3rd respondent for his attempt to raise new constructions in the place of the existing terraced house bearing D.No.5-3-11 in an extent of 193 sq. yards in R.S.No.455/1 within Amalapuram Municipality without any manner of right and without any permissions of sanctioned plan by the 2nd respondent as illegal, arbitrary and violative of the principles of natural justice and consequently direct the 2nd respondent to take immediate action against the 3rd respondent and order removal of the illegal construction raised by the 3rd respondent without any permission and without any right and grant such other relief or reliefs as this Hon'ble Court may deem fit and proper under the facts and circumstances of the case and in the interests of justice.”

It appears that the petitioner made representation dated 18.04.2016 to the Commissioner, Amalapuram Municipality, 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 18.04.2016 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 18.04.2016 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 six 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

29.04.2016

GJ/PGS