

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.4960 of 2016

ORDER:

Heard Sri T.S. Rayalu, learned counsel for the petitioner,
Sri D. Ramesh, learned Standing Counsel for the second respondent, and Sri R.
Sudheer, learned Standing Counsel for the sixth respondent Municipal Corporation.

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 an appropriate Writ, order or direction, particularly in the nature of a Writ of Mandamus, by declaring the inaction of the respondents No.1 to 6 in not taking steps to remove/demolish the unauthorized building, which was constructed in R.S.No.311-1 of Gunadala, Vijayawada, by respondents No.7 to 11, as illegal and arbitrary and consequently direct the respondents No.1 to 6 to take steps to remove/demolish the unauthorized building, which was constructed in R.S.No.311-1 of Gunadala, Vijayawada, by respondents No.7 to 11, and pass such other and further orders to meet the ends of justice.”

It appears that the petitioner made representation dated 19.07.2015 to the Commissioner, Vijayawada Municipal Corporation, Vijayawada, the sixth 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 respondents on notice as this Court is not venturing to adjudicate any issue on merits.

As the representation dated 19.07.2015 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 sixth respondent shall duly consider the petitioner’s representation dated 19.07.2015 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

16th February, 2016

Note:-

Issue CC in two days.

B/o

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