

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No.14046 of 2017

Order:

The grievance of the petitioner is that the fourth respondent, the Commissioner, Auto Nagar Industrial Park, Telangana State Industrial Infrastructure Corporation, Hyderabad, who is impleaded as a party by name and in his official capacity as fifth respondent, granted permission for unlicensed grave yards in the residential locality against the law. The petitioner and others gave a complaint to the third respondent for taking criminal action against the fifth respondent on the ground that he exceeded his power in granting permission.

If permission was given unauthorisedly by the fifth respondent in his official capacity, the remedy of the petitioner is to challenge that order, but every action of the fifth respondent is not amenable to a criminal proceeding. It is also not clear from the affidavit filed in support of the Writ Petition whether the petitioner made any efforts to secure the order alleged to have been passed by the fifth respondent. The petitioner also not issued any notice to the fifth respondent. He straight away lodged a complaint against the fifth respondent in his personal capacity in respect of the acts done by him in discharge of his official duties, if any. As per the averments in the affidavit filed in support of the Writ Petition, the petitioner is a resident of adjacent colony, but he is not resident of the industrial area.

In the circumstances, this Court sees no ground to entertain the present Writ Petition and the Writ Petition is, accordingly, dismissed. However, it is open to the petitioner to take appropriate proceedings

challenging the order passed by the fifth respondent, if any. There shall be no order as to costs.

As a sequel thereto, the miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

A. RAMALINGESWARA RAO, J

Date: 19.04.2017
Nsr

