

THE HON' BLE SRI JUSTICE M. SEETHARAMA MURTI

Writ Petition No.38153 of 2017

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed seeking the following relief:

'..to issue a writ, order or orders more particularly one in the nature of Writ of Mandamus declaring the inaction on the part of the respondents No. 1 & 2 to initiate action in accordance with law against the illegal construction being made by the vendors in and upon the residential premises bearing H.No.6-3-343/ 13 situated at Balapur, Erramanzil Colony, Hyderabad, being actuated by malafides and illegality, unreasonableness and arbitrariness, thereby the respondents No.1 & 2 may be further directed to remove and demolish the illegal construction as per law further the same is amounting to contravention of the Constitutional right of the petitioner to enjoy his rights to property including the right to peaceful enjoyment of his properties under Art.300-A and the right to life under Art.21 of the Constitution of India and pass such other order or orders..'

At the hearing, learned counsel for the petitioner submitted that if the representation, dated 06.09.2017, of the petitioner is directed to be considered and disposed of, the grievance of the writ petitioner would be redressed.

Learned standing counsel representing the respondents, while endorsing the said submission, would submit that the representation is given to the Commissioner/ Zonal Commissioner instead of the Deputy Commissioner and, therefore, the petitioner may be directed to give a fresh representation, within a timeframe, to the Deputy Commissioner for consideration and disposal in accordance with the procedure established by law.

Recording the afore-said submissions, the Writ Petition is disposed of giving liberty to the petitioner to submit a fresh representation to the

Deputy Commissioner concerned within two weeks from the date of receipt of a copy of this order; and, further directing the said authority to consider and dispose of the said representation of the petitioner within three weeks therefrom and communicate the decision taken to the petitioner within a week thereafter.

There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

M. SEETHARAMA MURTI, J

15.11.2017
VJI

