

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.39129 of 2017

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner seeking the following relief:

“For the reasons stated in the accompanying affidavit, humbly prayed that this 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 action of Respondent No.2 in not considering the representation dated 03.10.2017 on high handed action of Respondent No.4 to 7 for demolishing the structures, without issuing any notice is bad, illegal, arbitrary, discriminatory, contrary and violation of principle of natural justice and consequently direct the Respondent No.2 to take departmental action on the Respondent No. 4 to 7 basing on representation dated 03.10.2017 and to pass such other order or orders as this Hon’ble Court may deem fit and proper in the circumstances of the case.”

(Reproduced verbatim)

2. I have heard the submissions of Sri K.Sai Mohan Rao, learned counsel appearing for the petitioner, the learned Government Pleader for Municipal Administration and Urban Development appearing for the 1st respondent, and of Smt G. Jhansi, learned Standing Counsel appearing for the respondents 2 & 3. I have perused the material record.

3. The grievance of the petitioner is about illegal demolition of the structures on 23.09.2017 by the respondents 5 to 7 and their staff after entering into the Janapriya Apartments, which are in three blocks A, B & C, consisting of total 195 flats, though the construction work was completed and completion notice was also submitted to the 2nd respondent.

4. At the hearing, learned counsel for the petitioner submits that if the representation, dated 25.09.2017, is considered and disposed of,

in accordance with procedure established by law, within the time frame, the grievance of the petitioner stands redressed.

5. Learned Standing Counsel appearing for the respondents 2 & 3 endorses the said submission.

6. Recording the submissions, the Writ Petition is disposed of directing the respondents 2 & 3 to consider and dispose of the representation, dated 25.09.2017, of the petitioner within a period of three (03) weeks from the date of receipt of a copy of this order, however, in strict accordance with procedure established by law. After completing the said exercise, the decision taken shall be communicated to the petitioner within a week thereafter. Till such exercise is completed, the petitioner is directed to maintain absolute *status quo* without making any constructions whatsoever in the demolished portion of the afore-stated subject property.

There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE M. SEETHARAMA MURTI

Date: 7th December, 2017

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