

THE HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

Writ Petition No.41803 of 2017

ORDER:

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

‘....to issue an appropriate Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents 2 and 3 in not initiating any action on the illegal construction being carried out by the respondent No.4 even after receiving the representation dt. 16-10-2017 by the respondents 2 and 3 as arbitrary, illegal, unconstitutional and contrary to the Municipalities Act and consequently direct the respondents 2 and 3 not to accord any construction permission to the respondent No.4 and pass such other or further 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 G.Sundaresan*, learned counsel appearing for the petitioner; learned Government Pleader for Municipal Administration and Urban Development representing the 1st respondent; and, *Sri V.Satyam Reddy*, learned Standing Counsel representing respondents 2 & 3. As this Court is inclined to dispose of the writ petition at the stage of admission, there is no need to issue notice to the 4th respondent/unofficial respondent. I have perused the material record.

3. The case of the petitioner is that the petitioner is the absolute owner of the house bearing no.2-4-79 situated at Bhoiwada locality of Karimnagar Town and that after the said house was gutted in a fire, the property became a vacant property and that the 4th respondent occupied the said property of the petitioner to an extent of Ac.0-03.60 and ½ guntas and started making illegal and unauthorised constructions without any right and obtaining any permit

from the 2nd respondent authority and that when a legal notice, dated 16.10.2017, was issued, no action is being taken. Therefore, the writ petition is filed.

4. Learned counsel for the petitioner would submit that if the petitioner is permitted to submit a representation and a direction is given to the 2nd respondent to consider and dispose of the same within a time frame, the ends of justice would be met.

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

6. Recording the submissions, the Writ Petition is disposed of giving liberty to the petitioner to make a representation before the 2nd respondent within a week from the date of receipt of a copy of this order; and, on the petitioner making such a representation, the 2nd respondent shall consider and dispose of the same in strict accordance with the procedure established by law, however, within a period of six weeks after receipt of the representation from the petitioner and communicate the decision taken thereon to the petitioner within a week thereafter.

There shall be no order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

18.12.2017
RAR

M. SEETHARAMA MURTI, J