

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

Writ Petition No.41448 of 2017

ORDER:

The grievance of the writ petitioner is this: 'He is the owner of plot bearing No.C/45/2 admeasuring 125 Square Yards in Sy.No.120 in Medipally Village, Ghatkesar Mandal, Medchal District. The surrounding plot owners of plot nos.C/44/4 & 5, C/45/1, C/44/3 and C/45/3 & 4 have constructed their houses by grabbing the road leading to the petitioner's plot; thus, the petitioner was deprived of his right of way to reach his plot. Hence, the petitioner gave a representation, dated 22.03.2017, to the Commissioner & Director of Municipal Administration. Acting upon the said representation, the Additional Director, by letter, dated 24.05.2017, requested the Commissioner of 3rd respondent municipality to examine the matter and take necessary action. However, as there was no further action in the matter, the petitioner once again submitted a representation, dated 21.06.2017. Acting upon the said representation, the Deputy Director once again, *vide* memo dated 24.10.2017, reminded the Commissioner of the 3rd respondent municipality to examine the matter and take necessary action as per rules in force and submit the action taken report in the matter immediately. Despite the afore-said memo, dated 24.10.2017, of the Deputy Director, as no further action was taken, the present writ petition is filed.

At the hearing, learned counsel for the petitioner would submit that if a direction is given to the 3rd respondent municipality to take appropriate action in the matter, the ends of justice would be met.

Learned standing counsel representing the 3rd respondent, on instructions, submitted as follows: - 'Pursuant to the directions of the Deputy Director in the afore-said memo, dated 24.10.2017, the Municipal Commissioner of the 3rd respondent municipality initiated action and issued notices to plot owners; except one plot owner all other plot owners have responded; survey has to be conducted; the matter is receiving attention; and, in due course necessary action would be taken.'

Recording the afore-said submissions, the Writ petition is disposed of directing the 3rd respondent municipality to act on the memo, dated 24.10.2017, of the Deputy Director, Municipal Administration, Hyderabad, and examine the matter as per the procedure established by law, however, after giving an opportunity of hearing to the petitioner as well as the unofficial respondents 4 & 5 and other stakeholders and take a considered decision in the matter as expeditiously as possible and preferably within six (06) weeks from the date of receipt of a copy of this order 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.

M.SEETHARAMA MURTI, J

11.12.2017
Vjl