

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.42987 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 above accompanying affidavit, it is 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 against 1 to 5th Respondents slept stalling on representation by petitioner dated 28.10.2017 is illegal, arbitrary, unconstitutional and cutting short the petitioner's fundamental and constitutional rights guaranteed under the Constitution and consequently direct the 1 to 5th Respondents to construct the compound wall as per earlier decision and pass such other order or orders as this Hon’ble Court having jurisdiction and may deem fit and proper in the circumstances of the case.”

[Reproduced verbatim]

2. I have heard the submissions of Sri *MA. Aleem Majid*, learned counsel appearing for the petitioner, Sri *Pasham Krishna Reddy*, learned Standing Counsel for the Greater Hyderabad Municipal Corporation (for short, ‘GHMC’), appearing for the respondents 1 to 4, and of the learned Government Pleader for Municipal Administration and Urban Development appearing for the 5th respondent. I have perused the material record.

3. The case of the petitioner is that the residents of the petitioner’s Welfare Association and members of other adjacent residential colonies are using the subject park for recreational purposes and also for Morning Walks and that the 4th respondent issued a work order, on 17.01.2015, to the 6th respondent for construction of a compound wall around the park and that the 6th respondent, having started the construction work, on 20.02.2015, had not completed the

construction of the compound wall and that miscreants are dumping garbage in the park area and that, therefore, several representations including the written representations, dated 13.04.2015, 06.05.2015, 20.07.2015 and 26.06.2015, were given to the 3rd respondent requesting to direct the concerned to complete the construction of the compound wall and clear the dumped garbage from the park area, but, no action has been taken; and, hence, the present writ petition is filed.

4. Learned counsel for the petitioner submits that if a direction is given to the 3rd respondent to consider and dispose of the afore-stated representations, the ends of justice would be met and the grievance of the petitioner's Welfare Association stands redressed.

5. Learned Standing Counsel appearing for the respondents 1 to 4 endorses the said submission.

6. Recording the submissions, the Writ Petition is disposed of directing the respondents 3 & 4 to consider the representations, dated 13.04.2015, 06.05.2015, 20.07.2015 and 26.06.2015, of the petitioner within a period of four (04) weeks from the date of receipt of a copy of this order, however, in strict accordance with the procedure established by law and communicate a copy of the decision taken thereon to the petitioner within a week thereafter.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order.

There shall be no order as to costs.

JUSTICE M. SEETHARAMA MURTI

Date: 21st December, 2017
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