

THE HON'BLE SRI JUSTICE RAJA ELANGO

Writ Petition No.15334 of 2010

ORDER :

This writ petition is filed seeking to issue a writ of *certiorari* calling for the records pertaining to the Lr.No.A7/955/2010, dated 15-04-2010 and Lr.No.11/2010, dated 16-04-2010 on the file of the 2nd and 3rd respondents respectively and consequently quash the same as illegal and arbitrary.

2. The 2nd Respondent – District Panchayat Officer withdrawn the construction permission granted to the petitioner vide Lr.No.A7/955/2010, dated 15-04-2010. Consequently, the 3rd Respondent – Village Secretary cancelled the house construction permission granted to the petitioner vide Lr.No.11/2010, dated 16-04-2010.

3. The grievance of the petitioner herein is that on the basis of the permission granted by the authorities concerned, he has completed the construction and it was only thereafter, the order of withdrawal of the construction permission was communicated to him.

4. In any event, taking into consideration of the fact that the order passed by the 2nd Respondent is appealable under Section 128 (1) of Panchayat Raj Act, the petitioner can ventilate his grievance by way of preferring an appeal against the order dated 15-04-2010 in Lr.No.A7/955/2010 on the file of the 2nd respondent. On such appeal being filed, the authority

concerned is directed to dispose of the same in accordance with law within a period of six month thereafter. Till the disposal of the appeal, both parties are directed to maintain status quo obtaining as on today.

5. Accordingly, the Writ Petition is disposed of. No order as to costs.

As a sequel, miscellaneous petitions pending, if any, in this Writ Petition are closed.

JUSTICE RAJA ELANGO

04th February, 2015

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