

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH**

WRIT PETITION NO.24189 of 2015

Between :

Smt A. Nagaratna W/o.A.Ramanjaneyulu,
Aged 35 yrs, D.No.12/2/134, Ashok Nagar,
Anantapuram-515001 & another.

.. Petitioners

and

The State of Andhra Pradesh,
Rep., by its Principal Secretary,
Department of Panchayat Raj and Rural Development,
Secretariat, Hyderabad & others.

.. Respondents

DATE OF JUDGMENT PRONOUNCED : 04.08.2015

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SUBMITTED FOR APPROVAL:

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THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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1. Whether Reporters of Local Newspapers : Yes / No
may be allowed to see the Judgments ?

2. Whether the copies of judgment may be : Yes / No
marked to Law Reporters/Journals

3. Whether Their Lordship wish to : Yes / No
see the fair copy of the Judgment ?

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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ORDER :

The 1st petitioner claim to have purchased land to an extent of Ac.11.61 in Plot No.12 & 13 and 2nd petitioner purchased an extent of Ac.11.61 cents in Plot No.13 & 14, Sy.No.147-1A, Kakkalappali Polam, Rudrampet Panchayat, Anantapur Rural Mandal, Anantapur District, on 14.12.2005. Consequent to the said purchase the petitioners claimed to have been in possession and enjoyment of the said properties. The petitioners jointly intended to make construction in the said plots and laid compound wall for the total extent of their property. On 18.06.2015 the petitioners applied for grant of building permission to the 3rd respondent, to construct a house. To their surprise, the 4th respondent has issued the impugned endorsement. Though it is coined as an endorsement, applications submitted by the petitioners was rejected for the reasons assigned therein. The same is challenged in this writ petition.

2. Learned counsel for the petitioners contend that before taking such a decision, the petitioners were not put on notice and no opportunity of hearing was given. Whatever is referred in the order regarding civil litigation, if only an opportunity was given, the petitioners would have explained and such an exparte decision could not have been taken relying on certain material, which was not made available to the petitioners, and that amounts to denial of reasonable opportunity and violation of principles of natural justice. Learned counsel further submits that a reading of the endorsement would also disclose that the respondent-Gram Panchayat entertained objections from third persons, after verifying the same passed orders. All this was behind back of the petitioners. He further contends that though appeal lies against such a decision, but having regard to the fact that the order is passed in violation of principles of natural justice, the

petitioners can not be compelled to avail the remedy of appeal.

3. Learned Standing counsel does not dispute the fact that no notices were issued to the petitioners before passing such order.

4. Having regard to the fact that building application submitted by the petitioners was rejected assigning various reasons, as contained in the impugned order and apparently no prior notice or opportunity was given on the material available with the Gram Panchayat to take such a decision, the rejection *per se* without affording due opportunity is not valid.

5. Having regard to the same, the writ petition is disposed of, directing the Gram Panchayat-3rd respondent, to treat the endorsement dated 10.07.2015 as notice, supply all the relevant documents, which are referred to and reflected in the order, within a period of two weeks from the date of receipt of copy of this order and on receipt of material supplied by the 3rd respondent, the petitioners shall submit their explanation. On submission of such explanation and on due consideration of the same, appropriate orders as warranted by law shall be passed regarding the building application dated 18.06.2015. There shall be no order as to costs.

Miscellaneous petitions pending, if any, in this writ petition shall stand closed.

04th August, 2015.
Rds

P.NAVEEN RAO,J