

THE HON'BLE SRI JUSTICE RAJA ELANGO

Writ Petition No.25507 of 2010

ORDER :

This writ petition is filed seeking to issue a writ of *Mandamus* declaring the proceedings No.794/2009-B1(Pts)-2 and Show Cause Notice bearing No.794/2009-B1(Pts)-3, dated 10-08-2010 issued by the

2nd respondent and also the proceedings Lr.No.GPG/ /2010-2011, dated

01-10-2010 issued by the 3rd respondent by virtue of which the permits granted to the petitioners for constructing of colleges in the land in Sy.Nos.136, 170, 253 & 254 of Keesara Dayara Village, Keesara Mandal, Ranga Reddy District were cancelled, as illegal and arbitrary.

2. The main contention raised by the learned counsel for the petitioners is that the 2nd respondent has issued a show cause notice bearing No.794/2009-B1(Pts)-3, dated 10-08-2010 to the petitioners, but, even prior to represent their case before the authorities as per the show cause notice dated 10-08-2010 and without receiving any explanation from the petitioners to explain their stand, the 2nd respondent cancelled the construction permissions granted to petitioners by way of Proceedings No.794/2009-B1 (Pts)-2, dated 10-08-2010, which is arbitrary in nature.

3. This Court perused the records and heard the

arguments.

4. It is evident from the record that the 2nd respondent cancelled the permissions granted to construct the buildings in the said premises on the same day on which he issued the show cause notice. Hence, this Court is of the view that the authorities should not have issued an order cancelling the permissions granted to construct the buildings without there being any opportunity to petitioners to explain their stand and also represent their grievances. Hence, the Writ Petition is disposed of with the following direction :

5. The order dated 10-08-2010 in proceedings No.794/2009-B1(Pts)-2 passed by the 2nd respondent cancelling the construction permissions is hereby set aside. The petitioners are directed to give an explanation on the basis of the notice issued on 10-08-2010 in proceedings No.794/2009-B1(Pts)-3 to the authority concerned within a period of thirty days from the date of receipt of a copy of the order. On such explanation being filed, after considering the said explanation, the authority concerned is directed to pass orders within a period of three months thereafter in accordance with law.

6. Accordingly, the Writ Petition is disposed of. No costs. As a sequel, miscellaneous petitions pending, if any, in this Writ Petition are closed.

JUSTICE RAJA ELANGO

23rd January, 2015

skmr