

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.8269 OF 2015

ORDER:

This writ petition is filed seeking *Writ of Mandamus* declaring the action of the 7th respondent in passing the order dated 30.12.2014 thereby canceling the building plan approval dated 22.07.2014, as illegal, arbitrary and contrary to provisions of Panchayat Raj Act, 1994 and Rules and for a consequential direction to set aside the same.

The case of the petitioner is that she is the absolute owner and possessor of house bearing D.No.1-142 and the structures in R.S.No.125/3, through a registered will deed dated 13.11.1990. Later, she has obtained permission from the 7th respondent for construction of shopping complex vide BLR.No.13/2014 dated 22.07.2014 and subsequently started construction of the shops. While so, the 7th respondent all of a sudden issued proceedings dated 30.12.2014, canceling the permission granted to the petitioner for construction of shopping complex without issuing prior notice to the petitioner. Aggrieved by the same, the present writ petition is filed.

Learned counsel for the petitioner submits that the impugned notice is contrary to Rule 28 of the Andhra Pradesh Gram Panchayat Land Development (Layout And Building) Rules, 2002 (for short 'the Rules'), and is in violation of principles of natural justice.

Rule 28 of the Rules reads as follows:

“The Executive Authority or the District Panchayat Officer may revoke any permission issued under the Rules whenever it is found that such permission was obtained by fraudulent means or misrepresentation of the facts.”

Learned Standing counsel for the respondents does not dispute that the impugned proceedings canceling the construction permission of the petitioner are issued without prior notice to the petitioner after issuing notice to petitioner

In view of the above, without going into the merits of the case, only on the ground of violation of principles of natural justice, the impugned proceedings dated 30.12.2014 is set aside. However, it is open for the competent authority to exercise power under Rule 28 of the Rules before initiating any action against the petitioner after issuing notice to petitioner.

Accordingly, the writ petition is allowed. No costs. As a sequel, miscellaneous petitions, pending, if any shall stand closed.

A.RAJASHEKER REDDY, J

31.03.2015

dv

