

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.41861 of 2015

ORDER:

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This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioners seeking the following relief/s:-

“....to issue an appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus:-

(a) To declare the impugned Final Notice dt.16-10-2015 vide notice No. G1/169/UC/TPS/2015-16 issued by the 2nd respondent as illegal and arbitrary and without reference to sanctioned plans in favour of the petitioners and renew the Building Permissions granted by the erstwhile Gram Panchayat Pedda Amberpet vide GP/PAP/2013 dt.14-03-2013;

(b) Also declare the 2nd respondent action in not renewing the writ petitioners building permissions as illegal and arbitrary;

(c) and to pass such other appropriate order(s) as are deemed fit and proper in the circumstances of the case.”

(Reproduced Verbatim)

2. I have heard the submissions of the learned counsel for the writ petitioners and Sri K.Praveen Kumar, the learned standing counsel for the Nagar Panchayats (Telangana). I have perused the material record.

3. The facts of the case, as per the submissions and the relevant contents of the writ petition, in brief, are as follows:-

“The petitioners had obtained permissions on 14.03.2013 from the Gram Panchayat for construction of buildings in their respective properties. However, they could not make constructions as per the said permissions granted to them. Therefore, before the lapse of the permissions originally granted by the Gram Panchayat and within the time allowed under law, they had applied for renewal of the said permissions. In the year 2013, the said Gram Panchayat was constituted into a Nagar Panchayat by means of a Government Order dated 22.02.2013. While so, the applications dated 02.02.2015 submitted by the petitioners for renewal of the building permissions granted earlier in favour of the petitioners by the erstwhile Pedda Amberpet Gram Panchayat are not being considered and disposed

of by the second respondent Nagar Panchayat in view of the fact that the erstwhile Pedda Amberpet Gram Panchayat is now constituted into Pedda Amberpet Nagar Panchayat. Therefore, feeling aggrieved of the said inaction on the part of the Nagar Panchayat, the present writ petition is filed.

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4. The learned counsel for the writ petitioners would submit that the writ petition may be disposed of giving a direction to the second respondent to consider and dispose of the applications dated 02.02.2015 of the writ petitioners in strict accordance with the procedure established by law after giving the petitioners an opportunity of being heard. According to his submissions, such a direction would meet the ends of justice.

5. The learned standing counsel for the second respondent would submit that constructions are being made by the writ petitioners without obtaining renewal of the building permissions and that when notices were issued no replies were given, and that after provisional orders were passed, the present writ petition is filed by the petitioners. However, the learned standing counsel fairly concedes that the applications for renewal of building permissions were submitted by the writ petitioners within the time allowed under law and also before the expiry of the permissions earlier granted by the Gram Panchayat.

6. Having regard to the submissions of the learned counsel for both the sides, this Court is of the well-considered view that this writ petition can be disposed of with appropriate directions.

7. Accordingly, the writ petition is disposed of directing the second respondent-Pedda Amberpet Nagar Panchayat to consider and dispose of the applications dated 02.02.2015 of the writ petitioners for renewal of the building permissions earlier granted in their favour by the erstwhile Pedda Amberpet Gram Panchayat in strict accordance with the procedure established by law, however, after giving an opportunity of personal hearing to the writ petitioners, if they so desire. The said exercise shall be completed by the 2nd respondent within a period of one (01) month from the

date of the receipt of a copy of this order. It is made clear that until the disposal of the said applications of the writ petitioners in strict accordance with law, no coercive action including action for demolition of the structures in and over the respective subject properties of the writ petitioners shall be resorted to by the respondents 1 and 2. No costs.

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

M.Seetharama Murti, J

23rd December, 2015
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