

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.23410 of 2015

Date: 28.09.2015

Between :

Meesa Satyanarayana, S/o Mallaiah, Aged 48 years,
Occu: Agriculture, R/o Eedulagattepalli Village,
Manakondur Mandal, Karimnagar district,
Telangana State.

.... Petitioner

And

The State of Telangana, rep.by its Principal Secretary,
Panchayat Raj and Rural Development Department,
Secretariat Building, Saifabad, Hyderabad and others.

.... Respondents

This Court made the following :

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ORDER:

Petitioner is the resident of Eedulagattepalli village. Petitioner applied for building permission on 26.02.2014 claiming that he is the owner of the land in Sy.No.224/AA for construction of house and he placed reliance on the registered document No.527/2014 dated 22.02.2014. The application of the petitioner was rejected by the Panchayat Secretary vide proceedings dated 14.05.2014. In the order of the rejection, it was stated that Assistant Government Pleader was consulted and according to his opinion, the documents furnished by the petitioner do not satisfying the title claimed by the petitioner and, therefore, he is not entitled to undertake construction. According to the counsel for petitioner, this proceeding is not communicated to him. On 14.05.2015 two proceedings were issued; one was by Panchayat Secretary, wherein it was stated that no permission can be granted. The same proceeding also refers to the opinion of the learned Assistant Government Pleader. According to the leaned standing counsel, the said proceedings were internal correspondence and were not served on the petitioner, whereas what was

served to the petitioner was issued in letter No.12/2014/EGP, dated 14.05.2014. In view of the same, the petitioner amended the prayer in the writ petition.

2. When the matter is taken up for consideration, learned standing counsel submits that in fact survey was conducted on 08.05.2015 and according to the report of the surveyor, the land which petitioner is claiming is not falling within the Survey No.224/AA, but it was falling in the land classified as Abadi Madira. The report also contained the detailed location sketch of the village including description of the status of the land. Learned standing counsel fairly submits that this report is not furnished to the petitioner.

3. As seen from the proceedings impugned in the writ petition also, the correspondence which was the basis for rejection of the request of petitioner was also not communicated to the petitioner.

4. Having regard to the same, the proceeding impugned in the writ petition is set aside and the matter is remitted to the Panchayat Secretary, Eedulagattepalli village. The Panchayat Secretary is directed to furnish all the relevant documents which are basis for him to take decision rejecting the request of the petitioner for construction of building and on furnishing of the documents, petitioner is at liberty to file explanation as required, as well as the documents in his support to claim that the land in issue belongs to him. As and when such explanation/ representation along with documents are submitted by the petitioner, the same shall be considered by the Panchayat Secretary and shall pass appropriate orders as warranted by law within a period of two weeks from the date of receipt of copy of such explanation/ representation.

5. Accordingly the writ petition is allowed. There shall be no order as to costs. Miscellaneous petitions if any pending in the writ petition shall stand closed.

JUSTICE P.NAVEEN RAO

Date: 28.09.2015

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