

**THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY**

**WRIT PETITION No.29604 OF 2015**

**ORDER:**

This writ petition is filed seeking to issue a writ of *Mandamus* to declare the notice of respondent No.3 issued in GPB/102/2015-2016, dated 29.7.2015, as illegal and arbitrary, and to pass such other or further orders, as this Court deems fit and proper in the facts and circumstances of the case.

2. Case of the petitioner is that she is the owner of plot bearing No.289 admeasuring an extent of 100 sq.yards in Sy.Nos.153, 154 and 163 of Boduppal, Ranga Reddy District. She made an application to the respondent Gram Panchayat for grant of permission for construction of a building and the same was approved by the Gram Panchayat vide letter dated 13.3.2015. Pursuant thereto, she constructed a building in accordance with the plan and there is only a slight deviation of six inches on the sides. On a complaint given by one Saibaba, respondent No.2 made an endorsement on 04.07.2015 directing respondent No.3 to remove the constructions. Basing on the memo, dated 4.7.2015, respondent No.3 issued a notice on 14.7.2015 stating that the petitioner is making constructions contrary to the approved plan and the District Panchayat Officer directed to remove the constructions and asked her to show cause within a period of seven days as to why the constructions should not be removed and in default, further action would be taken. The petitioner made a representation stating that the house is being constructed for residential purpose and the person who has given the representation is not a resident of the colony and the construction is not causing any inconvenience. Though the representation was made, respondent No.3 again issued a notice on 29.7.2015 asking the petitioner to show

cause within a period of seven days. On receipt of the same, a representation was made on 4.8.2015 stating that the property was purchased and permission was taken. She also submitted a 'No objection Certificate' and a copy of the representation was also given to respondent No.2. In spite of the said representation, respondent No.3 is taking steps to demolish the constructions. Hence, she filed the present writ petition.

3. Heard Sri O.Manohar Reddy, learned counsel for the petitioner, learned Government Pleader for Panchayat Raj (Telangana) appearing for respondent Nos.1 and 2, and Sri G.Narender Reddy, learned counsel appearing for respondent No.3.

4. A perusal of the notices, dated 14.7.2015 and 29.7.2015, issued by the respondent Gram Panchayat show that they are very vague and there is no indication about the deviations and the construction made contrary to the approved plan. When the notices itself are vague, it is not known how the petitioner can submit her explanation to the same. In view of the same, the impugned notices, dated 14.7.2015 and 29.7.2015, are set aside. However, it is open for respondent No.3 – Gram Panchayat to give a fresh notice to the petitioner indicating the deviations and the construction made contrary to the approved plan and after affording an opportunity to the petitioner to submit her explanation, it shall take appropriate decision in accordance with law.

5. With the above direction, the Writ Petition is disposed of. There shall be no order as to costs.

6. Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

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**JUSTICE A.RAJASHEKER REDDY**

Date: 10.09.2015  
AMD

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