

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.31892 of 2012

ORDER:

This writ petition is filed seeking the following prayer:

“to issue a writ order or direction more particularly one in the nature of a writ of Mandamus declaring the impugned order of the 1st respondent vide., R.O.C.No.163 of 2012 dated 29.09.2012 served on petitioner on 08.10.2012, as highly illegal, arbitrary, against the principles of natural justice and as an infringement of the rights guaranteed under Art.14, 21 and 300A of Constitution of India and consequentially direct the respondents not to demolish any portion of the building of the petitioner bearing D.No.12-90, Sri Venkateswara Nilayam, Penamaluru Village and Mandal, Krishna District....”

The case of the petitioner is that he is the absolute owner of the above mentioned property; that he obtained permission by paying necessary fee from the Grampanchayat on 19.07.2012 vide D.Dis.No.122/2012 for construction of ground, first and second floors and completed construction according to the conditions laid down by the authorities and also residing therein. At the instance of the 6th respondent and basing on the complaints, without issuing any prior notice, straight away the impugned notice dated 29.09.2012 was issued by the 1st respondent-Grampanchayat asking the petitioner to remove the constructions, which are made in deviation of the approved plan granted by it within seven days. Aggrieved by the same, this writ petition is filed.

Heard.

Though notice before admission was ordered on 12.10.2012, no counter-affidavits are filed.

A perusal of the impugned notice goes to show that the same was issued straight away by the Grampanchayat for demolition of constructions without issuing any prior notice, which is in violation of principles of natural justice. The allegations in the impugned notice are vague in nature and does not disclose what are the deviations of constructions made by the petitioner except stating the report of the 3rd respondent.

In view of the same, this writ petition is allowed setting aside the impugned notice in R.O.C.No.163 of 2012 dated 29.09.2012. However, this order

will not preclude the competent authorities from initiating appropriate proceedings in accordance with law, if there is any deviation of the approved plan. No costs. Miscellaneous petitions, pending if any, shall stand closed.

A.RAJASHEKER REDDY, J

Date: 07-09-2015

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