

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.3029 OF 2015

ORDER :

This writ petition is filed for a writ of *Mandamus* declaring the proceedings No.1011/G.P.M/2014, dated 01.11.2014 and set aside the same as illegal and arbitrary.

2. It is the case of the petitioner that the petitioner was granted permission for construction of residential complex and permission was accorded by the 3rd respondent vide proceedings No.180/GPM/2014, dated 05.02.2014. However, without any prior notice, the permission granted was cancelled vide proceedings dated 01.11.2014. Aggrieved by the same, the present writ petition is filed.

3. Counter affidavit is filed by the 3rd respondent-Executive Officer, Grampanchayat, Mavala Village, Adilabad Mandal and District stating that the petitioner is the owner of plot Nos.3 and 4 in Sy.No.3 and has constructed residential complex in deviation of the sanctioned plan. It is stated that the petitioner is making construction by clubbing two plans together without leaving any set back as per the plans, which itself shows that it is in deviation, as such, permission granted to the petitioner was cancelled. It is also stated that the petitioner has constructed one extra floor than the original permission granted.

4. Learned counsel for the 4th respondent submits that the petitioner has constructed the building in violation of the approved plan, as such, the 3rd respondent Grampanchayat has rightly cancelled permission granted to the petitioner.

5. Heard learned counsel for the petitioner, learned Assistant Government Pleader for Panchayat Raj as well as learned Counsel for the 4th respondent.

6. It is an admitted fact that permission was accorded to the petitioner for construction of building. It is also not in dispute that that

no notice was issued to the petitioner before cancellation of the permission granted to him. The only allegation in the counter affidavit filed by the 3rd respondent is that the petitioner has constructed the building in deviation to the sanctioned plan and that he has constructed one building by obtaining two permissions. However, it is a fact that the petitioner was not put on notice before cancellation of the permission granted to him.

In view of the facts and circumstances, only in view of violation of principles of natural justice, the impugned order dated 01.11.2014 is set aside. However, it is open for the 3rd respondent-Grampanchayat to issue notice afresh and take action in accordance with law, if the petitioner has made any unauthorized construction in deviation to the sanctioned plan. The entire process shall be completed within a period of four weeks from the date of receipt of a copy of this order.

Accordingly, the writ petition is disposed of. No order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

09.03.2015
kvs

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