

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

WRIT PETITION NO.23789 of 2015

Between:

K.Ramachandra Reddy s/o. Sai Reddy, Age: 44 years,
Occu: Business,r/o.H.No.1-75/C/1/13, Brundavan Colony,
Boduppal, Ranga Reddy District and two others.

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.. Petitioners

AND

The State of Telangana, rep.by its Principal Secretary
(Panchayat Raj Department), Secretariat, Hyderabad
and others.

.. Respondents

DATE OF JUDGMENT PRONOUNCED : 30.07.2015

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SUBMITTED FOR APPROVAL:

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THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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1. Whether Reporters of Local Newspapers may : Yes / No

Be allowed to see the Judgments ? :

2. Whether the copies of judgment may be marked: Yes / No

to Law Reporters/Journals :

3. Whether Their Lordship wish to see the fair : Yes / No

Copy of the Judgment ? :

HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.23789 of 2015

ORDER:

With the consent of the learned counsel for the petitioners and learned counsels for the respondents, this writ petition is disposed of finally at the admission stage.

2. Alleging that petitioners have made illegal constructions without obtaining building permission, notice dated 23.07.2015 was issued calling upon them to submit their explanations. Challenging the said notice, this writ petition is filed. It appears that petitioners have submitted building permission application on 18.08.2014. Even before the building permission was granted, petitioners allege to have undertaken construction of the building. It appears that several complaints are filed by the villagers and neighbours alleging illegal constructions are being made without obtaining due permissions. Petitioners placed reliance on the document dated 31.03.2015 claiming that they have been issued order copy by the Executive Officer granting building permission to undertake construction. Be that as it may, notice challenged in the present writ petition is a notice issued calling upon the petitioners to submit their explanations as to why action should not be taken on the allegation of illegal constructions made and establishing a school. It is not the case of the petitioners that Executive Officer is not competent to issue such notice. In accordance with the provision contained in Rules, 2002, the Panchayat Secretary is competent to issue notice and to take steps to remove any constructions made illegally. In fact, he has power to cancel building permission granted earlier. Thus, it is not a case where notice is issued without competence and jurisdiction.

3. Petitioners making vague allegations against the 4th respondent, Panchayat Secretary, who is impleaded by name, alleging that the Panchayat Secretary is responsible for creating all the problems and even though the building permission was granted, the entire file is misplaced and petitioners are being harassed. The correspondence filed by the petitioners and documents circulated by the learned Government Pleader do not show any such deliberate involvement of the Panchayat Secretary.

4. Be that as it may, since a doubt is expressed and consequence of taking action against the petitioners is penal in nature as it would result in demolition of alleged illegal constructions, I deem it proper to direct the District Panchayat Officer, Ranga Reddy District to nominate any other Officer to consider the issue as a consequence to issuance of show-cause notice on 23.07.2015 and take appropriate decision as warranted by law. Petitioners shall submit explanation to the show-cause notice dated 23.07.2015 within one week addressed to Panchayat Secretary of Boduppall Grampanchayat, but be filed with the District Panchayat Officer. On receipt of such explanation submitted by the petitioner, the District Panchayat Officer shall make over the same to the person designated by him and to take further proceedings and to pass appropriate orders. Such designated Officer shall put the petitioners on notice and afford opportunity of personal hearing. The decision in pursuant to the notice dated 23.07.2015 shall be taken within a fixed time frame. At any rate, the entire exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order.

5. With the above observations, the writ petition is disposed of. 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 : 30.07.2015

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HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No. 23789 of 2015

Date:30.07.2015

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