

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

**MONDAY, THE SEVENTEENTH DAY OF AUGUST TWO
THOUSAND AND FIFTEEN**

-
Present

HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.25936 of 2015

-
Between:

M/s. Devakamma Constructions,
A partnership firm, Having its office
At H.No.2-23, Almasguda Village,
Saroor Nagar Mandal, Ranga Reddy District,
Rep. by its Managing Partner Sri C. Kushal Kumar,
S/o. C. Yella Reddy, Aged about 33 years,
R/o. H.No.2-23, Almasguda Village,
Saroor Nagar Mandal, Ranga Reddy District,
Telangana.

.. Petitioner

AND

The State of Telangana,
Rep. by its Principal Secretary for Panchayat Raj,
Secretariat Buildings, Hyderabad & another

.. Respondents

The Court made the following:

-
-
-
-
-
-
-

-

-

HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.25936 of 2015

-

ORDER:

The petitioner claims to have purchased land to an extent of 1244 square yards in Plot Nos.518, 519, 540 and 541, situated at Meerpet Village, Saroor Nagar Mandal, Ranga Reddy District, on 22.05.2015. According to the petitioner, the vendors of the petitioner have approached the 2nd respondent Gram Panchayat and obtained building permission in the year 1990. They have laid pillars and slab and full construction was not made. In continuation to the construction already made, the petitioner started construction of walls on the said property. At that stage, an inspection was conducted on behalf of the 2nd respondent Gram Panchayat and a show cause notice was issued on 01.08.2015 directing the petitioner to explain why illegal construction cannot be demolished. Challenging the said show cause notice, this writ petition is filed.

2. *Prima facie*, as seen from the show cause notice, dated 01.08.2015, I do not see any illegality in issuing such show cause notice. The Gram Panchayat is competent to issue show cause notice whenever it finds that an illegal construction is taking place without proper approval. The petitioner placed reliance on documents enclosed as material papers saying that the building permission was granted in the

year 1990. It does not appear to be a valid document. The building permission can be granted only by the Panchayat Secretary and not by the Sarpanch. There is no order of granting such permission. Some signature of the Sarpanch is put. It appears to be a post-facto exercise.

3. Thus, the petitioner is directed to submit explanation to the show cause notice, dated 01.08.2015. It is also open to the petitioner to submit a fresh building permission application by following the due procedure and if the petitioner submits a fresh building permission application within a period of one (1) week from the date of receipt of a copy of this order along with the explanation to the show cause notice, dated 01.08.2015, the same shall be considered by the 2nd respondent Gram Panchayat and appropriate decision be taken on such application. Along with the application, the petitioner shall give an undertaking that he will not undertake any further construction until the building permission application is finalized and he shall also file photographs showing the present status of the building. The petitioner shall not undertake any further construction, until his application is processed and orders are passed. Until the orders are passed, the respondents shall not take any coercive action against the petitioner.

4. With the above observations, the Writ Petition is disposed of. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

P.NAVEEN RAO, J

Date: 17th August, 2015

KL



HON'BLE SRI JUSTICE P.NAVEEN RAO

-
-
-
-
-
-
-
-
-
-

-
-
-
-

-

-
-
-
-
-
-
-
-
-

WRIT PETITION No.25936 of 2015

-

Date: 17th August, 2015

KL