

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION NO.29667 OF 2015

DATED:16-11-2015

Between:

Raipelli Kishan ... Petitioner

And

The State of Telangana
Rep. by its Principal Secretary
Panchayat Raj and Rural Development Department
Secretariat
Hyderabad
and others ... Respondents

... Respondents

COUNSEL FOR THE PETITIONER: Mr. S. Surender Reddy

COUNSEL FOR RESPONDENT NOs.1 and 2: A.G.P. for Panchayat Raj
(TS)

COUNSEL FOR RESPONDENT NO.3 : A.G.P. for Revenue (TS)

COUNSEL FOR RESPONDENT NO.4 : Mr. K. Ramakrishna, for
Mr. G. Narender Reddy

THE COURT MADE THE FOLLOWING:

ORDER:

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The proceedings in Letter No.740/GPM/2015, dt.20.8.2015, of respondent No.4 in rejecting the petitioner's application for grant of building permission in respect of Plot No.34, in Sy. No.170/53, situated at Mavala Gram Panchayat, Adilabad Mandal and District, are questioned in this writ petition.

At the hearing, Mr. K. Ramakrishna, learned counsel representing Mr. G. Narender Reddy, learned Standing Counsel for Panchayat Raj Institutions (TS), on instructions submitted that the reason for rejection of the petitioner's application was that the Tahsildar has issued notice dt.13.7.2015 to the original assignee of the plot in respect of which the application for building permission was filed, for resumption of the assignment. However, the above mentioned reason does not find place in the impugned proceedings. In my opinion, mere notice for resumption of assigned land does not constitute a ground for rejection of the application for building permission. If respondent No.4 is satisfied about the lawful possession and *prima facie* title of the petitioner, it is bound to grant permission. If, in future, the assignment is cancelled and the possession of the petitioner is found illegal, respondent No.4 shall be free to initiate appropriate action under the extant statutory provisions.

In the light of the above reasons, the impugned proceedings are set aside. Respondent No.4 is directed to re-consider the petitioner's application for building permission without reference to the resumption notice issued by the Tahsildar. It is however made clear that if by the time of consideration of the petitioner's application for building permission, the plot was resumed by the Tahsildar, respondent No.4 can reject the application by assigning the said reason.

Subject to the above directions, the writ petition is disposed of.

As a sequel to disposal of the writ petition, W.P.M.P. No.38439 of 2015 shall stand disposed of as infructuous.

C.V. NAGARJUNA REDDY, J

16-11-2015

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