

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

WRIT PETITION NO.32371 OF 2015

DATED:19-11-2015

Between:

Arya Vysya Sri Vasavi Kalyana Mandapa Trust

Rep. by its President

Bachu Pramod

Ghatkesar Village

Ranga Reddy District ... Petitioner

And

State of Telangana

Rep. by its Principal Secretary

Panchayat Raj Department

Secretariat

Hyderabad

and others ... Respondents

COUNSEL FOR THE PETITIONER: Mr. M. Parma Reddy

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

COUNSEL FOR RESPONDENT NO.3 :-

THE COURT MADE THE FOLLOWING:

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ORDER:

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Feeling aggrieved by the proceedings bearing No.G.P.G. Lr. No.80/204, dt.03.08.2015, of the Secretary of respondent No.3 GramPanchayat, the petitioner has filed this writ petition.

A perusal of the impugned proceedings shows that the building permission granted

in favour of the petitioner was cancelled on the ground that the registered gift settlement deed executed in favour of the petitioner and the building permission granted to it were contrary to the provisions of the Andhra Pradesh Panchayat Raj Act, 1994 and that on the directions issued by respondent No.2 on 15.7.2015, the building permission is cancelled.

The main ground on which the petitioner has assailed the legality and validity of the impugned proceedings is that before issuing the said proceedings, respondent No.3 has not issued any show cause notice. The petitioner has also filed photographs showing construction of the building.

No counter affidavit is filed by any of the respondents.

In my opinion, cancellation of the building permit causes serious prejudice to the interests of the petitioner. Therefore, before such action is taken, the principles of natural justice require a show cause notice and an opportunity of being heard are given to the petitioner. As this procedure is not followed, the impugned proceedings are set aside on this short ground. Liberty is, however, left with respondent No.3 to issue a show cause notice and take further action, after considering the objections that may be submitted by the petitioner.

The writ petition is accordingly allowed.

As a sequel to disposal of the writ petition, W.P.M.P. No.41828 of 2015 shall stand disposed of as infructuous.

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C.V. NAGARJUNA REDDY, J

19-11-2015

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