

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION NO.9957 OF 2015

ORDER

The prayer of the petitioner in this case is as under:

‘This Hon’ble Court may be pleased to issue an order or direction more particularly one in the nature of writ of mandamus or any other appropriate writ declaring the action of the respondent no.2 in issuing the proceedings no.G1/4/CC/2014, dated 26-2-2015, through which cancelling the permission granted to the petitioner through proceedings no. 96/2014-15, dated 23-12-2014, for construction of a residential house building in plot of land admeasuring 266.66 sq. yds., in Sy.No.2353/A and B situated at Huzurabad Village and Mandal, Karimnagar District, without giving an opportunity of hearing to the petitioner and without considering the explanation submitted by the petitioner, dated 27-1-2015, and without assigning any valid reasons and without looking into the fact that, the construction permission of a compound wall was already given in the said survey number in favour of my husband, is nothing but arbitrary, illegal, null and void and violative of principles of natural justice and also violative of Articles 14, 19 and 21 of the Constitution of India and to pass such other order or orders as this Hon’ble Court may deem fit and proper in the interest of justice.’

The matter having been admitted, Sri K.Butchibabu, learned counsel, entered appearance for the third respondent.

The grievance of the petitioner is with regard to the cancellation of the building permission granted in her favour.

The Commissioner, Huzurabad Nagarapanchayath, filed a counter-affidavit and in para 8 thereof, he stated that upon due verification of the records, it is clear that the permission granted to the petitioner was true and valid but inadvertently, both the permissions were cancelled. Reference to ‘both the permissions being cancelled’ is as to the cancellation of not only the permission granted to the petitioner but also the permission granted to the third respondent.

Sri Bhaskar Reddy, learned counsel representing Sri N.Praveen

Kumar, learned standing counsel for the Huzurabad Gram Panchayath, fairly states that the cancellation of the petitioner's building permission was purely inadvertent and that there is no irregularity in the grant of the said permission warranting such cancellation.

In that view of the matter, the writ petition is allowed setting aside the proceedings dated 26.02.2015 and restoring the building permission granted to the petitioner under proceedings dated 23.12.2014. Pending miscellaneous petitions shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

11th APRIL, 2016

PGS