

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

Writ Petition No.10744 of 2014

–
Date: 04.02.2016

Between:

K.Raghuveer Reddy

.. Petitioner

and

State of Telangana
rep. by its Prl.Secretary
Panchayat Raj (PR & RD) Dept.,
Hyderabad and 4 others

.. Respondents

Counsel for the petitioners : Mr.K.Raghuveer Reddy

Counsel for respondent Nos.1 to 3: AGP for Gram Panchayat

–
Counsel for respondent No.4: Mr.G.Narender Reddy

Counsel for respondent No.5: Mr.V.Ramesh Reddy

The Court made the following:

–

–

–

Order:

This Writ Petition is filed for a Mandamus to set aside the proceeding in Lr.No.1/GP/GCK/2015, dated 06.04.2015, of respondent No.4- Gram Panchayat.

It is the pleaded case of the petitioner that by proceeding, dated 27-12-1999, respondent No.4 has granted permission for construction of a house over 31.5 square yards and that, accordingly, a house was constructed by the petitioner's vendor; that after purchasing the same, the petitioner as well as his vendor have made applications for mutation; that *vide* proceeding No.GPCG/05/2013, dated 19-12-2013, respondent No.4 has mutated the petitioner's name in place of his vendor; that however, without notice to the petitioner, respondent No.4 has cancelled the said proceeding under a mistaken impression that it related to the grant of building permission.

Separate counter-affidavits have been filed by respondent Nos.4 and 5.

In the counter-affidavit filed by the Panchayat Secretary of respondent No.4, it is *inter alia* stated

that the then Sarpanch has granted permission for construction of one room on 27-12-1999 though he was not competent to grant the same and that the Gram Panchayat is not having any record to show that the petitioner has made any application for change of his name in the revenue records. It is further averred that respondent No.5 has made a complaint to respondent No.4, based on which the District Panchayat Officer issued Memo, dated 19-03-2015, for cancellation of building permission and that accordingly, the impugned proceeding has been issued.

It needs to be observed that respondent No.4 has not pleaded the facts correctly. A perusal of the copy of proceeding, dated 27-12-1999, shows that the same was signed by the Sarpanch as could be evident from the seal placed thereon above the words "Executive Officer". However, the impugned proceeding does not refer to the said proceeding, but, it purportedly cancelled the proceeding, dated 19-12-2013, by which the Sarpanch has mutated the name of the petitioner. Thus, the impugned proceeding is issued under a mistake of fact that proceeding, dated 19.12.2013, pertains to the grant

of building permission by it though it relates to mutation of the petitioner's name. The proceeding, dated 27-12-1999, under which building permission was granted to the petitioner's vendor has not been cancelled. One of the main grievances of the petitioner is that before the impugned proceeding was issued, no notice was issued to him, which remained uncontroverted. Probably, if a notice was issued to the petitioner, the mistakes committed by respondent No.4 as pointed out above would have been avoided.

In the above facts and circumstances of the case, the impugned proceeding is set aside. Respondent No.4 is directed to issue a show cause to the petitioner, and after hearing him and respondent No.5, take a fresh decision on the legality or otherwise of the building permission granted to the petitioner's vendor and the mutation made in favour of the petitioner.

Subject to the above directions, the Writ Petition is allowed.

As a sequel to disposal of the Writ Petition,

WVMP.No.2797 of 2015 and WPMP.No.14212 of 2015 are disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

Dt: 4th February, 2016
lur