

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.45739 of 2016

Date: 28.12.2016

Between:

Sri P.Satyanarayana s/o. late Sri P.Suryanarayana,
Aged 51 years, R/o. H.No.16-2-188, Nagaiahgadda,
Ramavaram, Kothagudem Mandal, Khammam dist.
and two others.

.....Petitioners

and

The State of Telangana, rep.by its Principal Secretary
to Government, MA & UD Department, Secretariat
Buildings, Hyderabad and others.

.....Respondents



The Court made the following:

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ORDER:

In the writ petition, petitioners challenge the show-cause notice dated 19.12.2016. The show-cause notice alleges violation of building permission rules and without proper building permission, petitioners were undertaking construction. Petitioners allege that they have valid building permissions and further extension was also granted for completion of construction and, therefore, construction is being made in accordance with the building permission granted and show cause notice was illegally issued.

2. Learned counsel for petitioners does not dispute the fact that the Executive Officer of Gram Panchayat is competent to issue the impugned notice. When the competent authority issues notice making allegation of the alleged illegal construction, this Court cannot go into the merits of the issue and hold such notice as illegal. It is seen from the notice that petitioners were asked to submit all relevant documents in support of their claim that they have valid building permission. When opportunity is provided to them, without submitting explanation, petitioners cannot invoke jurisdiction of this Court directly challenging the said notice.

3. Writ petition is not maintainable and is accordingly dismissed, leaving it open to the petitioners to file their explanations by enclosing all relevant documents in support of their claim. Petitioners are granted one week time from this day to submit such explanations. If explanations are submitted by the petitioners within a period of one week as directed, the respondent

Gram Panchayat shall not take any coercive action until the same are considered and appropriate decision is made by assigning reasons in support of his decision. Petitioners are also directed not to make any further construction until a decision is made by the 3rd respondent.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

JUSTICE P.NAVEEN RAO

Date: 28.12.2016
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