

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.44030 of 2016

ORDER:

Petitioner challenges notice R.O.C.No.8/2015 dated 29.08.2015 canceling the plan approved for construction of house in Sy.No.74.

The communication reads as follows:

R.O.C.No.8/2015 Dt.29.08.2015

Office of Gram Panchayat
Bommuru

NOTICE

It is hereby informed that you Pattapagalu Venkatalakshmi W/o Suresh, Bommuru Grampanchayat limits, Rajahmundry Rural Mandal, have obtained approval of Building plan on 2.5.2015. The neighbouring land owners of Survey No.74 (S. Vara Prasada rao and 20 other members) have made a Complaint on 8.7.2015 to the M.P.D.O by stating that the land approved by you is Panchayath communal land. Therefore the land is a Panchayat Communal land. The plan approved is hereby cancelled. This is for your information.

Sd XXXX
29.8.2015

Panchayath Secretary,
Gram Panchayath,
Bommuru,
Rajahmundry Rural

2. This Court is of the view that the notice/communication challenged in the writ petition can be challenged by availing the remedy of appeal under Section 135 of the Panchayat Raj Act. One of the challenges laid against the impugned notice is that the building plan was summarily cancelled without affording opportunity to petitioner.

Since the petitioner intends to avail the remedy of appeal, the writ petition is disposed of by granting four (4) weeks time from today to file an appeal against the communication dated 29.08.2015. If the appeal, as directed by the instant order, is filed before the District Panchayat Officer, he is directed to hear the appeal on merits and dispose of the same without reference to the delay in filing the appeal. As a sequel, the miscellaneous applications, if any pending, shall stand closed. There shall be no order as to costs.

December 20, 2016
DSK

S. V. BHATT, J

