THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION Nos.24275, 24597, 24605, 24611, 25625, 25626, 25627, 25631, 25633, 25634, 25636, 25639, 25641 25644, 25645, 25647, 25651, 25656, 25658, 25659, 25660, 25661, 25665, 25668, 25669, 25671, 25702, 25728, 25796, 26287, 26361, 26377, 26381, 26383, 26397, 26401, 26402, 26405, 26407, 26409, 26410, 26411, 26418, 26423, 26425, 26433, 26435, 26443, 26457, 26553, 26558, 26560, 26563, 26564, 26566, 26567, 26568, 26569, 26572, 26573, 26574, 26575, 26582, 26609, 26646, 26647, 26651, 26674, 26684, 26742, 26747, 26748, 26801, 27420, 27422, 27423, 27424, 27426, 27436, 27438, 27460, 27473, 27477, 27479, 27481, 27496, 27524, 27544, 27639, 27641, 27795, 27797, 27951, 28138, 28139, 28140, 28143, 28147, 28160, 28793, 28794, 28796, 28806, 28807, 28808, 28813, 28814, 28816, 28834, 28836, 28850, 28851, 28890, 28898, 28906, 28995, 29137 and 29139 of 2016

COMMON ORDER:

Heard Mr. A. Mogili for Mr. K. Lakshman and all the learned counsel appearing for petitioners, learned Government Pleader for Panchayat Raj for respondents 2 to 4 and Mr. G. Narender Reddy for respondent No.5.

2. The grievance of petitioners in the instant batch of cases is substantially same and similar and is directed against the notice dated 14.07.2016. For convenience, the circumstances stated in WP.No.24275 of 2016 are adverted to and would suffice reference of circumstances in other matters as well.

3. Petitioner is the owner of plot No.49A and 50 part in total extent of 267 sq. yards in Sy.No.570 at Dammaiguda H/o. Nagaram Village, Dammaiguda Gram Panchayat, Keesara Mandal, Ranga Reddy District. On 13.12.1985, the petitioner purchased the plots and his case is that the vendor of petitioner has already applied for LRS and was pending consideration. On 21.04.2016, the fifth respondent sanctioned building

plan No.GPD/BP.No.79/2016-16 and the construction in accordance with the sanction plan is also completed. While matters stood thus, the fifth respondent issued notice No.GPD/07/2016 dated 14.07.2016 calling upon the petitioner to show cause why the alleged illegal construction activity at subject site shall not be demolished. The notice, apparently, is an offshoot of an order passed by this Court on 20.06.2016 in WP(PIL).No.47 of 2016.

4. The case of petitioner is that the basis for issuing notice impugned in the writ petition is the order dated 10.06.2016 of the fourth respondent canceling the building permissions granted in this behalf. Admittedly, before canceling the building permission, the fourth respondent did not put on notice any of the building owners, examined each one of the cases or passed any order in this behalf. But it is contended as fact of matter that all steps are undertaken behind the back of petitioners and finally the notice impugned in the writ petition proposing to demolish structures on respective plots is issued. The petitioners contend that the respondents acted in a monotonous and arbitrary manner only to show compliance of order passed by this Court in WP(PIL).No.47 of 2016.

5. On 25.07.2016, this Court granted stay of all further proceedings pursuant to notice impugned in the writ petition. The fifth respondent filed petition to vacate the interim order dated 25.07.2016. The other respondents have not filed counter affidavit.

6. I have perused the counter affidavit filed along with the vacate stay petition. I am of the view that the fifth respondent merely refers

to the orders passed by this Court and/or the orders passed by the fourth respondent. The crux of the complaint is not adverted to. While considering the cases of petitioners or the explanation of respondents in merely issuing notice of demolition, it shall not be understood that this Court is expressing view on the observations made by the Hon'ble Division Bench in WP (PIL).No.47 of 2016 and directing demolition without following the procedure of law. What is so evident from the notice impugned in the writ petition is that the fifth respondent exhibited cyclostyled approach in issuing notices and the basic facts are not verified either by the fourth respondent or the fifth respondent.

7. Learned standing counsel admits that the notice impugned in the writ petition is bereft of reasons and procedure required to be followed before coming to the stage of demolition on case to case basis. He submits that liberty may be given to fifth respondent to proceed against illegal constructions as directed by the Hon'ble Division Bench.

8. I have perused the averments in the affidavit, counter affidavit of parties and taken note of the submissions including the admission of fifth respondent. I am satisfied that existing structures, which are stated to have been brought into existence after building permission, ought not be subjected to laconic notice of demolition further with hardly any details. The notices impugned in respective writ petitions are set aside. The fifth respondent is given liberty to proceed in accordance with law and keep in mind the observations of this Court in WP(PIL).No.47 of 2016.

The writ petitions are ordered. As a sequel, the miscellaneous applications pending, if any, shall stand closed. There shall be no order as to costs.

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S. V. BHATT, J

November 17, 2016
DSK

HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH
सत्यमेव जयते