

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WIRT PETITION No.35939 OF 2014

ORDER:

The Writ Petition is filed challenging the order dated 13.11.2014 passed by the 3rd respondent-District Panchayat Officer, Karimnagar District.

2. The facts as pleaded are that the writ petitioner obtained sanction for construction on 14.05.2013 in Sy.No.224/EE of Teegalagutta Grampanchayat in Arepally Revenue village over an extent of 489.41 Sq.yards. It is the claim of the petitioner, he has purchased the same on 14.03.2011 vide Document No.2007/2011 from one Mr. Muralidhar, thereafter he approached the Gram Panchayat and Gram Panchayat has granted permission after following due process on 14.05.2013. However, at the instance of respondent Nos. 6 and 7 the impugned order came to be passed and in that process petitioner was never given any opportunity to meet the allegations that the petitioner had misguided the Gram Panchayat while obtaining the permission. This Court while admitting the writ petition on 26.11.2014 suspended the impugned order dated 13.11.2014, while noting that *prima facie* the same appears to have passed without giving opportunity to the petitioner.
3. Vacate petition has been filed by the 6th and 7th respondents.
4. Sri V. Ravi Kiran Rao, learned counsel appearing for the vacate petitioners-respondent Nos.6 and 7 fairly submits that notice does not appeared to have been given to the petitioner in making the impugned order. In that view of the matter, without expressing any opinion with respect to the merits of the matter, the matter may be remanded back to the District Panchayat Officer, Karimnagar District to pass orders after considering the respective submissions. The fair submission made on behalf of the respondent Nos. 6 and 7 is appreciable. Learned Government Pleader has also no objection for the same course to be adopted.

5. In the facts and circumstances of the case and in the light of the submissions on behalf of the respondent Nos. 3, 6 and 7 the interest of justice would be served if the impugned order is set aside with a direction to the respondent No.3 to pass afresh orders after considering the objections of all the parties by duly putting the petitioner on notice with respect to the complaint made by the respondent Nos. 6 and 7.

6. Accordingly, the Writ Petition is allowed with a direction that the respondent No.3 shall put a notice of the objections raised by the respondent Nos.6 and 7 and after giving opportunity of hearing for the parties necessary orders may be passed. The entire exercise shall be completed within a period of 8 weeks from the date of receipt of this order.

There shall be no order as to costs. Consequently, the miscellaneous petitions pending, if any, shall also stand closed.

CHALLA KODANDA RAM, J

Dated: 03.03.2016

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