

HONOURABLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION Nos.10937, 10942, 10943 and 11429 of 2012

COMMON ORDER:

1. These four Writ Petitions are being disposed of by this common order as they involve similar point for consideration by this Court.
2. These writ petitions were filed challenging the proceedings of the 1st respondent dated 12.12.2011 revoking the permissions for construction granted by the erstwhile Gram Panchayat, Nakrekal, Nalgonda District, on 13.06.2009 in favour of the petitioners.
3. There is no dispute with regard to the title to the land. The petitioners constructed the houses in the private land after obtaining permission from the erstwhile Gram Panchayat, Nakrekal in the year 2011. The 1st respondent issued show cause notices on 29.11.2011 alleging that the buildings were raised in the Full Tank Level (F.T.L) area of Pedda Cheruvu in Sy.No.687 of Nakrekal village. The petitioners submitted replies on 05.12.2011 along with required documents. The proceedings were issued by the 1st respondent on 12.12.2011 revoking the permissions granted by the erstwhile Gram Panchayat, Nakrekal, Nalgonda District. Challenging the same, the present writ petitions were filed.
4. The 1st respondent filed a counter-affidavit stating that the sites of the petitioners are abutting to the National High Way and the erstwhile Gram Panchayat, Nakrekal, issued building

permission to the petitioners. It was noticed that in the month of October/November 2011 few developers levelled the open land behind the structures of the petitioners and adjacent to Pedda Cheruvu and divided the land into small and big plots. A news item was published on 24.11.2011 alleging that the F.T.L land is being encroached by the developers. A letter was accordingly addressed to the Executive Engineer, I & C.A.D Department, Nalgonda to conduct a survey of demarcation of boundaries of F.T.L. in Sy.Nos.686, 687, 688 and 689 of Nakrekal area and copies were submitted to the District Collector, Nalgonda and other officers. The District Collector, Nalgonda, instructed the officers to protect the F.T.L. land and not to give further permissions in the said F.T.L. land. In those circumstances, show cause notices were issued to the petitioners and after considering the explanations, the permissions granted earlier were withdrawn.

5. The 2nd respondent filed a separate counter-affidavit stating that the land in Sy.Nos.686, 687, 688 and 689 are patta lands as per Khasra Pahani 1954-55 and Sesala Pahani 1955-58, but those lands are falling within the F.T.L. of Pedda Cheruvu @ Nalla Cheruvu (Sy.No.692-Government land) as confirmed by the Irrigation authorities on 23.11.2011. The Irrigation Officers visited the site on 23.11.2011 and marked the F.T.L. levels of the tank. Accordingly, show cause notices were issued to the house owners and the earlier building permissions granted by the Gram Panchayat were revoked.

6. It is stated by the learned Counsel for both sides that during the pendency of the writ petitions Nakrekal became a Gram Panchayat and in view of the same the impugned orders passed by the 1st respondent ceased to exist.

7. In the circumstances, if the present Gram Panchayat and the 2nd respondent feel that appropriate action shall be taken against the petitioners while preserving the F.T.L. area of Peddacheruvu, it is open to them to take appropriate proceedings in accordance with law. But, in view of the fact that Nakrekal became a Gram Panchayat and the Municipality ceased to exist, the impugned orders are set aside.

8. These four Writ Petitions are accordingly allowed. No order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

A.RAMALINGESWARA RAO, J

25-10-2016
Gsn