

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION NO.7964 OF 2016

ORDER:

The Writ Petition is filed seeking a Writ of Mandamus declaring proceedings No.G/118/2016 dated 02.03.2016 of the second respondent, as illegal and arbitrary.

The petitioners made an application for permission for construction of shed and compound wall to Nagar Panchayat, Badepally. After enquiry, the Commissioner, Nagar Panchayat issued permission vide proceedings No.G1/738/2015-16 dated 04.08.2015. On a representation made by the third respondent, the Commissioner cancelled permission on 02.03.2016. The petitioners challenged the proceedings dated 02.03.2016 on the ground that no show cause notice has been served on the petitioners.

Learned Standing Counsel for the second respondent, on instructions, submitted that notice was sent through registered post with acknowledgment due and the same came to be returned unclaimed.

This aspect is being disputed by the petitioners.

Considering the facts of the case that permission came to be granted on 04.08.2015 and the petitioners are already in the process of construction and the cancellation is said to have been effected at the instance of one Mohd. Farooq, the third respondent and considering the fact that there are civil disputes pending between the petitioners and the third respondent on the file of the VII Additional District Judge, Mahabubnagar in O.S.No.12 of 2013, the order dated 02.03.2016 is set aside. Further, interests of justice would be served if the petitioners are directed to submit explanation to the show cause notice after receipt of the same. The second respondent shall make available a copy of the show cause notice to the petitioners within one week from today and within two weeks thereafter, the petitioners shall submit their explanation. Within two weeks from the date of submission of

explanation, the second respondent shall cause enquiry and pass necessary orders strictly in accordance with law after giving an opportunity of hearing to the petitioners.

Accordingly, the Writ Petition is disposed of. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

(CHALLA KODANDA RAM, J)

15th March 2016
RRB