

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.43025 of 2016

ORDER:

Heard Sri N.Manohar for petitioner, Assistant Government Pleader (Panchayat Raj) for respondents 1 and 2 and Sri G.Narender Reddy for respondents 3 and 4.

The petitioner challenges Communication/Notice No.G.P.N/2016, dated 19-09-2016 as illegal, arbitrary and violative of principles of natural justice.

The case of petitioner is that on 29-03-2016 the Gram Panchayat granted building permission and the petitioner is undertaking construction as per the building permission sanctioned by the Gram Panchayat. The Communication/Notice impugned in the writ petition is straightaway issued without affording opportunity to petitioner and consequently basing upon a resolution said to have been passed by the Gram Panchayat on 02-08-2016 and for these two reasons, the Communication/Notice is liable to be set aside.

Sri G.Narender Reddy representing respondents 3 and 4 after considering carefully the tenor of communication dated 19-09-2016 submits that the apprehension voiced by the petitioner that a decision for all purposes is taken without affording opportunity to petitioner and communicated cannot be disputed. He further submits that the Communication/Notice

impugned in the writ petition can be treated as show-cause notice and the petitioner can be given liberty to submit explanation and the authorities will decide the matter in accordance with law.

His statement is placed on record.

The respondents are acting presumably on the Communication said to have been given by the Tahsildar, Navipet.

To ensure fairness in action, respondents 3 and 4 are directed to issue copy of Communication dated 18-04-2016 within one week from the date of receipt of a copy of this order and the petitioner is given three weeks time thereafter to submit his explanation and also given liberty to work out remedies against Communication dated 18-04-2016. Respondents 3 and 4 are directed to examine the explanation of petitioner and pass orders in accordance with law. The parties are directed to maintain status-quo as regards possession and structures at subject site for a period of twelve (12) weeks from today.

The writ petition is disposed of accordingly. No order as to costs.

Miscellaneous petitions, if any, pending, shall stand closed.

S. V. BHATT, J

Dt: 09-12-2016
Prv

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