

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.26505 OF 2017

ORDER:

Heard learned counsel for petitioner, learned Government Pleader for respondents 1 to 4 and learned counsel for respondents 6 and 7.

The petitioner claims to be the absolute owner and possessor of house plot admeasuring 469.69 square yards in Survey No.224/EE situated at Teegalagutta Gram Panchayat in Arepalli Revenue Village. He applied for permission for construction of a house and permission was granted by the Gram Panchayat on 14.05.2013. He constructed a compound wall around the plot and when the respondents 6 and 7 obstructed completion of the compound wall, he submitted a representation on 21.11.2013 asking the Gram Panchayat not to issue any permission to respondents 6 and 7 in respect of the area owned by him. Respondents 6 and 7 filed O.S.Nos.475 and 476 of 2013 on the file of the Court of the Principal Junior Civil Judge, Karimnagar and obtained interim injunction on 22.11.2013. It appears that the said interim injunction was vacated subsequently, and the respondents 6 and 7 filed C.M.A., and the same is pending. In the meanwhile, the District Panchayat Officer, by order dated 13.11.2014, cancelled the permission granted in favour of the petitioner and challenging the same, the petitioner filed W.P.No.35939 of 2014. The said writ petition was ultimately allowed by this Court on 03.03.2016 directing the third respondent therein, the District Panchayat Officer, to consider the objections raised by respondents 6 and 7 and after hearing the parties, to pass necessary orders. Pursuant to the same, the third respondent passed an order on 07.07.2017 confirming the order of cancellation dated 13.11.2014 cancelling the earlier permission dated 14.05.2013. Challenging the same, the present writ petition is filed.

The learned counsel for petitioner submits that the objections were heard by one District Panchayat Officer and the order was passed by another District Panchayat Officer and hence, it is vitiated. It appears from a reading of the order that the objections were filed on 07.05.2016 and the order was passed on 07.07.2017. In the meanwhile, there was a change in the Officers. Learned counsel for respondents 6 and 7 does not dispute the same.

In the circumstances, the impugned order, dated 07.07.2017 is set aside and the matter is remanded to the third respondent for hearing the matter afresh in accordance with law pursuant to the order passed by this Court in W.P.No.35939 of 2014, dated 03.03.2016 and pass appropriate orders within a period of three months from the date of receipt of a copy of this order after giving opportunity to the petitioner and respondents 6 and 7.

The writ petition is accordingly disposed of. Consequently, miscellaneous petitions, if any, pending in these writ petitions shall stand closed. There shall be no order as to costs.

30.08.2017
pln

A.RAMALINGESWARA RAO, J