

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.NO.8954 OF 2017

O R D E R

Heard the learned counsel for the petitioner and the Standing Counsel for the respondent – Gram Panchayat.

According to the petitioner he is the absolute owner and possessor of the property bearing No.1-49/1, admeasuring 870 sq. yards situated at Chinthalacheruvu village, Hatnoora mandal, Sangareddy District, having purchased the same under registered sale deed bearing document No.982/2013 dated 14.2.2013 and ratified by deed No.7417 of 2016 dated 28.10.2016 from its lawful owner and possessor, Mr. Mohammed Chote Miya s/o late Nadeem Saheb. His vendor after purchase, approached the Gram Panchayat authorities for the transfer of ownership and the 4th respondent – Panchayat Secretary, after due enquiry, transferred the ownership in his favour vide receipt No.1486 dated 13.10.2010. The petitioner after purchasing the said property under registered sale deed, approached the 4th respondent and filed an application for transfer of said property. After duly conducting an enquiry, the 4th respondent collected an amount of Rs.3,490/- towards transfer fees and issued mutation proceedings No.05/Chinthalacheruvu/2016 dated 23.07.2016 in favour of the petitioner.

According to the petitioner he submitted application dated 22.12.2016 seeking permission for construction of house and the 4th respondent granted construction permission vide letter No.14/Chinthalacheruvu/2016 dated 31.12.2016. The complaint of the petitioner in the present writ petition is

that without issuing any notice and without giving any opportunity of hearing, the 4th respondent based on the complaint of 5th respondent herein, issued the proceedings under challenge dated 16.02.2017, cancelling the above said permission.

The learned Standing Counsel for the Gram Panchayat has placed on record certain instructions disputing the right of the petitioner herein over the subject land.

It is well established proposition of law that any action which has civil consequences must necessarily be preceded by notice and opportunity of hearing to the persons, likely to be affected by such action. Such principle, in the instant case, is followed more in breach. Such an action on the part of the Gram Panchayat amounts to violation of principles of natural justice. Therefore, on this ground alone, the impugned proceeding is liable to be set aside.

For the foregoing reasons, the writ petition is allowed, setting aside the impugned letter of the 4th respondent No.1/GPC/2017 dated 16.02.2017. No costs.

It is made clear that this order will not preclude the respondents from proceedings in accordance with law after giving notice and opportunity of hearing to the petitioner and other stakeholders, if any.

Miscellaneous petitions pending if any, shall stand closed.

A.V.SESHA SAI ,J

DATE:20—03—2017

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