

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

W.P.No.2497 of 2017

ORDER:

This Writ Petition filed under Article 226 of the Constitution of India, for the following relief:

“To issue an appropriate writ, order or direction, more particularly one in the nature of Writ of Mandamus declaring that the action of the 4th respondent in not considering the representation of the petitioner dated 17.9.2016 as arbitrary, illegal, unconstitutional and violative of Articles 14, 19 and 300A of the Constitution of India and consequently direct the 4th respondent to consider the representation of the petitioner dated 17.9.2016, in the interest of justice”.

2. Heard Sri G.Madhusudhan Reddy, learned counsel for the petitioner, the learned Government Pleader for Respondents 1 to 3 & 6 and the learned Standing Counsel for Respondents 4 and 5 Sri G.Narender Reddy, apart from perusing the material available on record.

3. By way of order dated 4.7.2016, the Panchayat Secretary, Raikal Gram Panchayat-4th respondent herein, basing on the information furnished by the R&B officials, ordered cancellation of building permission granted earlier in favour of the petitioner herein. Subsequently, petitioner made a representation to the Executive Engineer, Roads & Buildings, Jagtial-6th respondent herein on 30.6.2016. Subsequently, questioning the non-disposal of the said representation, petitioner herein approached this Court by way of W.P.No.22119 of 2016 and this Court disposed of the said Writ Petition on 8.7.2016, directing the Executive Engineer, Roads & Buildings, Jagtial, Karimnagar District to consider the above said representation, in accordance with law, after giving opportunity of personal hearing to the petitioner. Pursuant to the said order, the Executive Engineer, R & B, Jagtial addressed letter to the petitioner vide letter No.EE/R&B/J/2016-17/340 dated 1.9.2016, which reads as under:

“As per the orders of Hon'ble High Court of Hyderabad in W.P.No.22119 of 2016 dated 8.7.2016 and as per the report submitted by the Deputy Executive Engineer (R&B) Sub-Division, Metpally under references 1st and 2nd cited above, this office has no objection to construct any structure in the Raikal (V) in his own patta land Sy.No.1059/E in accordance with the rules and regulations of the local bodies and subject to approval of the Gram Panchayat Raikal”.

4. Subsequently, the petitioner herein made a representation to the Secretary, Raikal Gram Panchayat on 17.9.2016, requesting either to revoke the cancellation order or to issue fresh permission for construction in his patta land. Questioning the inaction on the part of the Gram Panchayat in not responding to the said representation, the present Writ Petition is filed.

5. When the matter is taken up, it is stated by the learned Standing Counsel for Respondents 4 and 5 Sri G.Narender Reddy that it is open for the petitioner to make an application afresh under the Act and the rules and the same will be considered in accordance with law.

6. In view of the same, the Writ Petition is disposed of, keeping it open to the petitioner to make an application afresh to Respondents 4 and 5 for construction permission within a period of one week from the date of receipt of this order by complying with the statutory requirements and if any such application is made within the time stipulated, the same be considered and final orders be passed, in accordance with law, within a period of six weeks from the date of receipt of such application. As a sequel, the miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

A.V.SESHA SAI, J

Date: 25.1.2017
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25.1.2017

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