

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 5572 of 2016

ORDER:

1) The present writ petition came to be filed seeking issuance of writ of mandamus, declaring the sanction of layout under letter D.Dis.No.1841/ 2015/ R1 dated 02.07.2015 with layout plan bearing signature dated 07.07.2015 sanctioned by the second respondent in favour of respondent Nos.6 to 8 as illegal and fraudulent and further declare the proceedings of the second respondent in Roc.No.1841/ 2015/ R1, dated 31.10.2015 refusing to cancel the said layout dated 07.07.2015 as illegal, contrary to law and vitiated by the violation of the principles of natural justice and further direct respondent Nos.2 to 4 to cancel the layout dated 07.07.2015 and to forthwith remove/demolish the illegal wall constructed without any permission closing the public road on the north of the petitioner's land.

2) The main ground urged by the learned counsel for the petitioners is that the impugned order came to be passed without hearing the petitioners. The said fact is not disputed by the learned counsel for the respondents. He further submits that the order under challenge may be *set aside* and the matter be remanded back to the concerned authority to pass a fresh order after hearing all concerned.

3) In view of the representation made and having regard to the fact that the impugned order came to be passed without hearing the petitioners, the order under challenge is *set aside* and the matter is remanded back to the second respondent, who shall hear the petitioners, un-official respondents and all concerned, and pass orders in accordance with law. It is needless to mention that the petitioners are permitted to raise all objections including the grounds raised in the writ petitioner and the second respondent authority shall consider the same and pass orders on all the aspects raised by the petitioners, in accordance with law. Further the second respondent shall complete the said exercise, as expeditiously as possible, preferably, within a period of four (04) months from the date of receipt of a copy of the order.

4) With the above direction, the writ petition is disposed of. There shall be no order as to costs.

5) Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

JUSTICE C. PRAVEEN KUMAR

28.04.2017
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