

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

WRIT PETITION No.3206 of 2011

ORDER:

This Writ Petition, filed under Article 226 of the Constitution of India, challenges the order issued by the District Panchayat Officer, Ranga Reddy District – 1st respondent herein vide proceedings No.456/2010-B1(Pts), dated 27-01-2011 and the consequential notice of the 3rd respondent Gram Panchayat, dated 09-02-2011.

Heard, Sri Mehdi Hussain, learned counsel for the petitioner, learned Government Pleader for Panchayat Raj for respondents 1 and 2 and Sri G. Narendar Reddy, learned Standing Counsel for 3rd respondent Gram Panchayat, apart from perusing the material available before this Court.

According to the petitioner, she is the absolute owner and possessor of the land in Sy.Nos.51, 54 and 61 admeasuring Ac.0-38 gts., situated at Ootpally Gram Panchayat, Shamshabad mandal, Ranga Reddy District. The petitioner herein submitted an application seeking permission to construct a function hall in the said land. The 3rd respondent Gram Panchayat vide proceedings, dated 14-09-2007 granted permission in favour of the petitioner for construction. While referring to a letter No.S4/122/2010,

dated 14-09-2010 of the Extension Officer (PR&RD), Shamshabad, the District Panchayat Officer, Ranga Reddy District – 1st respondent herein cancelled the permission accorded by the Gram Panchayat earlier.

As a consequence of the said order, the Panchayat Secretary – 3rd respondent herein issued a notice, dated 09-02-2011 asking the petitioner to remove function hall within a period of seven (7) days. The said order of the 1st respondent, dated 27-01-2011 and the consequential notice, dated 09-02-2011 of the 3rd respondent are under challenge in the present writ petition.

Reiterating the averments in the affidavit filed in support of the writ petition, it is submitted by learned counsel for the petitioner herein that the impugned action on the part of the respondent authorities is in total violation of principles of natural justice as the respondents did not issue any show cause notice before resorting to the impugned action.

Though counter-affidavit is filed by the Panchayat Secretary the same is absolutely silent as to the issuance of any show cause notice before resorting to the impugned action.

It is settled and well-established proposition of law that if any action by the authorities has civil consequence the

same is required to be preceded by notice and opportunity of being heard to the persons likely to be affected by such action.

In the instant case, the respondents herein did not adhere to the said principles and in the considered opinion of this Court the impugned proceedings are violative of principles of natural justice and on this ground alone the impugned proceedings are liable to be set aside.

For the aforesaid reasons, the writ petition is allowed, setting aside the proceedings No.456/2010-B1(Pts), dated 27-01-2011 issued by the 1st respondent and the consequential notice of the 3rd respondent Gram Panchayat, dated 09-02-2011. However, it is open for the respondents herein to proceed, in accordance with law, after giving notice and opportunity of being heard to the petitioner herein.

Miscellaneous petitions pending consideration, if any, in the Writ Petition shall stand closed in consequence. There shall be no order as to costs.

A.V. SETHA SAI, J

January 02, 2017

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