

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

WRIT PETITION No.46362 OF 2016

ORDER:

This writ petition, filed under Article 226 of the Constitution of India, challenges the notice bearing No.5990/2016-B1(Pts), dated 09.12.2016, issued by the District Panchayat Officer, Ranga Reddy District.

2. Heard the learned counsel for the petitioner, learned Government Pleader for respondents 1 and 3 and Sri Y.Rama Rao, learned standing counsel for 2nd respondent and Sri G.Narendar Reddy, learned standing counsel for respondents 4 and 5.

3. According to the petitioner, his vendors purchased an extent of 400 square yards of land forming part of Survey Nos.157, 159 and 160 (Part) of Kokapet Village, Rajendranagar Mandal, Ranga Reddy District, by way of Registered Document No.2512/2010, dated 06.09.2010 and thereafter, the petitioner purchased the same vide Registered Document No.2784/2014, dated 14.02.2014.

4. The District Panchayat Officer, pursuant to the directions of the District Collector, Ranga Reddy District, issued a notice under challenge on 09.12.2016 and paragraph Nos.6 to 8 of the said notice read as under:

“6. Sri.Lalu Prasad Yadav, R/o. Narsingi is further informed that, the above building which is

being constructed without permission is strictly violation of Section 121 of Telangana Panchayat Rai Act, 2014 and caused for huge loss to Gram Panchayat and also informed that construction without applicable setbacks is not safe for public use as fire fighters cannot move around the building.

7. *As per the rule 33(1)(i) of the G.O. 1st cited, the District Collector, R.R.District has directed me to take necessary steps against the unauthorized building.*

8. *Therefore the following notice and interim arrangements are hereby issued to protect public safety.*

8.1 *Sri.Lalu Prasad Yadav, R/o.Narsingi is hereby directed to explain the reasons on or before 21.12.2016. Why action shall not be taken as per Rule 33(1)(i) of G.O.1st cited, as he is constructing building without permission from the competent authority. Further he is directed not to take up any further construction in Plot No.— of Sy.No.160 of an unapproved Layout in Kokapet village till requisite permissions from a competent authority are obtained for building above 13 Mts. height with applicable setbacks.*

8.2 *The Panchayat Secretary/ Executive Officer, Gram Panchayat Kokapet is directed to ensure that no further construction is made in this building duly appointing a responsible person for regular monitoring of this building. Any slackness in this matter will be viewed seriously.*

8.3 *The Tahsildar, Gandipet is requested to ensure that, any construction material lying in*

the premises of this building (in Plot No.—) is requested to be carted out immediately and no further constructions of this building is taken up without the requisite permission by the competent authority.

8.4 The Panchayat Secretary, Gram Panchayat, Kokapet is directed to put up a visible public notice/board in this building premises about the illegality of this building for the information of General Public and report compliance by 14.12.2016.

8.5 The Sub-Registrar, Gandipet is requested to furnish a copy of this notice to all potential purchasers/buyers of flat(s) in this residential building located in Plot No:—, in Sy.No.160 of an unapproved layout of Kokapet Village of Rajendranagar Mandal and advice them of the illegality of the construction so as to enable the purchasers to make an informed decision.”

5. In response to the said notice, on 17.12.2016, the petitioner herein submitted an explanation denying the contents in the said impugned notice. The grievance, obviously, in the present writ petition, as evident from the affidavit filed in support of the writ petition, is that without passing any orders on the said notice and the said explanation offered by the petitioner, on 26.12.2016, the respondents 3 and 5 are trying to demolish a portion of the building of the petitioner herein. Even as per the counter filed by the Panchayat Secretary of the Gram Panchayat, no final orders have been passed on the said notice dated

09.12.2016, pursuant to the submission of the said explanation by the petitioner herein.

6. Having heard the submissions of the learned counsel for the petitioner and learned standing counsel for the respondent Gram Panchayat, this Court deems it appropriate to dispose of the present writ petition with a direction to the District Panchayat Officer to consider the explanation dated 17.12.2016, submitted by the petitioner herein, before proceeding further with the matter.

7. For the aforesaid reasons, this writ petition is disposed of, directing the District Panchayat Officer – 3rd respondent herein, to consider the explanation dated 17.12.2016, submitted by the petitioner herein and take further action as per law. Till then, interim order of *Status quo* granted by this Court shall continue to operate. It is also made clear that petitioner herein shall not make any further constructions in the subject property.

8. Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence. No order as to costs.

21.02.2017
SS

A.V.SESHA SAI, J