

HON'BLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION No.9526 of 2017

ORDER:

Heard learned counsel for the petitioner as well as the learned Government Pleader for Panchayat Raj appearing for respondent Nos.1 and 2; and Sri G. Narender Reddy, learned Standing Counsel for the 3rd respondent – Gram Panchayat.

2. Having regard to the controversy involved in the writ petition, the facts need not be adverted to, in detail.

3. The 3rd respondent – Gram Panchayat granted permission for construction of a building in favour of the petitioner herein on 24.02.2015. Subsequently, on the basis of certain complaints made by unofficial respondent Nos.4 and 5 herein, by way of Notice dated 10.03.2017 in Lr.No.GPK/2017 under challenge, the 3rd respondent cancelled the said permission granted earlier in favour of the petitioner.

4. It is submitted by the learned counsel for petitioner that the impugned Notice is highly illegal, arbitrary, unreasonable and violative of Article 14 of the Constitution of India, besides being opposed to the principles of natural justice.

5. Today when the matter is called, on instructions, it is submitted by the learned Standing Counsel for 3rd respondent

– Gram Panchayat that the impugned Notice dated 10.03.2017 was not preceded by any show-cause notice of the said Gram Panchayat.

6. It is settled and well established proposition of law that any action, which has civil consequences, must necessarily be preceded by a notice and an opportunity of hearing to the person likely to be affected by such action. In the instant case, the same is followed in breach.

7. Therefore, the writ petition is allowed, setting aside the impugned Notice dated 10.03.2017 issued by the 3rd respondent – Gram Panchayat. However, this order will not preclude the official respondents from proceeding in accordance with law, after giving notice and opportunity of hearing to the petitioner.

8. Miscellaneous Petitions pending consideration, if any, in the Writ Petition shall stand closed in consequence. No order as to costs.

JUSTICE A.V. SESA SAI

27.03.2017.
Msr

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