

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

WRIT PETITION No. 14802 of 2017

ORDER:

This writ petition is filed under Article 226 of the Constitution of India for the following relief:

“... to issue writ or order or direction more particularly one in the nature of writ of mandamus declaring the action of the 3rd respondent in not allowing the petitioner to complete the construction of the building as per the permission and sanction plan issued by the 3rd respondent and also to declare the show cause notice, dated 17.04.2017, in GPR/O3/2017, issued by the 3rd respondent, requiring the petitioner to obtain No Objection Certificate from the Deputy Executive Engineer, Irrigation Department, Ranga Reddy District, for continuing the construction work as illegal, arbitrary. Consequently, direct the respondent to allow the petitioner to complete the construction of the building as per the sanction plan issued by the 3rd respondent.”

Heard Sri A. Prabhakar Rao, learned counsel for the petitioner, and Sri G.Narayana Reddy, learned Standing counsel, for the respondent – Gram Panchayat.

According to the petitioner, he purchased a plot bearing No.142 admeasuring 110 square yards in Sy.Nos.48/A and 63/A situated at Munuganoor Village, Adbullapurmet Mandal, Ranga Reddy District, by way of a registered sale deed, dated 12.11.2016, from one Daravath Balaji, S/o. Bikya, who purchased the same from K. Anjamma, W/o. Srinivas under a registered sale deed, dated 07.05.2012. Earlier, the petitioner's vendor Sri D. Balaji obtained permission from the 3rd respondent – Gram Panchayat for construction of house vide permit, dated 20.09.2014, and subsequently, the same was renewed by the Gram Panchayat and is valid till 30.01.2018. By way of show cause notice under challenge, dated 17.04.2017, the petitioner has been called upon as to why the permission granted to him for construction of house should not be cancelled by granting five days time to submit his explanation in writing.

According to learned counsel for the petitioner, the ground on which the respondent – Gram Panchayat issued the show cause notice cannot be sustained in

the eye of law, as the petitioner purchased the property by way of a registered sale deed.

On the other hand, it is submitted by the learned Standing counsel that the impugned notice is only a show cause notice and five days time was granted to the petitioner to submit his explanation and it is for him to submit the explanation to the respondent – Gram Panchayat explaining all the aspects.

Having heard the learned counsel for the petitioner and the learned Standing counsel for the respondent – Gram Panchayat, this Court is of the considered opinion that the ends of justice would be served if the petitioner is permitted to submit his explanation within a period of one week from the date of receipt of a copy of this order enclosing all the material in support of his right in the property and if any such explanation is submitted, the same be considered and appropriate orders be passed in accordance with law by the respondent – Gram Panchayat, after giving notice and opportunity of hearing to the petitioner, within a period of two weeks thereafter. Till then status quo as on today with regard to construction of subject property shall be maintained.

Writ petition is accordingly disposed of.

Miscellaneous petitions, if any, shall also stand disposed of. No order as to costs.

A.V.SESHA SAI, J

Date: 24.04.2017
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