

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.9060 OF 2017

ORDER:

The case of the petitioner is that he is the owner and possessor of land admeasuring 180 Sq.Yards in Survey No.269, situated at Block No.1, Near Laxmi Talkies, Mancherial, Mancherial District; that originally in the year 1975, his father purchased the aforesaid land from its original owner V.Pullaiiah, later in the year 2015 his father executed a Gift deed document No.8803 of 2015, dated 04.08.2015 in his favour. Thereafter, in pursuance of petitioner's application dated 01.03.2016, the Commissioner, Mancherial Municipality after receiving the requisite amount regularized petitioner's plot vide proceedings in ROC No.LRS/2740/2015, dated 22.03.2016 in terms of G.O.Ms.No.151 MA, dated 2.11.2015. Later, the petitioner submitted an application dated 05.05.2016 to the Commissioner, Mancherial Municipality seeking construction permission. After considering petitioner's application in proper prospective the Commissioner, Mancherial Municipality accorded construction permission vide proceedings dated 11.05.2016 and petitioner started construction as per the said permission. While so, when the Municipal authorities without issuing any notice and without assigning any reasons interfered with the petitioner's construction, he filed WP.No.27044 of 2016 and this Court on

16.08.2016 granted interim order in WP.MP.No.33483 of 2016, directing the Municipal authorities not to interfere with the construction activity being carried on by the petitioner without following due process of law. It is also stated that when Principal, ITI Mancherial and one Md.Thyub Khan tried to interfere with the possession over the subject land, petitioner's father filed OS.No.786/2008 for perpetual injunction and the Court below decreed the suit on 20.06.2015 in petitioner's favour. Challenging the Judgment in OS.No.786/2008, the Principal, ITI Mancherial filed AS.No.43/2015 and the same was dismissed on 13.12.2016 confirming the trial Court Judgment and decree in OS.No.786/2008. During the pendency of the appeal the Commissioner, Mancherial has issued a notice dated 29.09.2016 basing on the complaint given by the Principal, ITI Mancherial, revoking the regularization of unapproved plot and building permission granted to the petitioner. Aggrieved by the same, the petitioner filed WP.No.46426/2016 and this Court disposed of the said writ petition on 04.01.2017 giving three weeks time to the petitioner to submit his explanation to the notice dated 29.09.2016 and also directed the Commissioner to consider the explanation and pass appropriate orders within two weeks and not to take any coercive action against the petitioner till then. In compliance of the orders in WP.No.46426/2016, the petitioner submitted explanation to the Commissioner on 16.01.2017, but without

considering the same, the Commissioner, Mancherial issued proceedings dated 01.02.2017, rejecting the explanation submitted by the petitioner. Aggrieved by the said proceedings, petitioner filed WP.No.5625 of 2017 and this Court granted interim order in WP.MP.No.6866 of 2017, suspending the revocation order. In spite of the same, the respondents 3 and 4 are trying to interfere with the possession of the petitioner at the behest of the Principal, ITI, Mancherial. Aggrieved by the same, present writ petition is filed.

Heard learned counsel for the petitioner.

Learned Assistant Government Pleader for Revenue produced written instructions stating that the petitioner obtained permission by producing the fabricated documents and notices are being issued to the petitioner for taking action.

Learned counsel for the petitioner submits that as on today no notice is issued.

In view of the aforesaid facts and circumstances, it is open for the respondents to issue appropriate notices to the petitioner before taking any action and the respondents shall not dispossess the petitioner without following due process of law.

Accordingly, the writ petition is disposed of. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

16.03.2017
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