

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.37324 of 2017

ORDER:

In this Writ Petition, the grievance of the writ petitioner is the rejection of the construction permission on the alleged ground that the plot of the petitioner is a part of the Municipal Road, without even giving an opportunity of personal hearing to the petitioner and to produce his documents, is illegal and arbitrary.

2. I have heard the submissions of Sri *M. Damodar Reddy*, learned counsel appearing for the petitioner, learned Government Pleader for Municipal Administration and Urban Development appearing for the 1st respondent, and of Sri *N. Praveen Kumar*, learned Standing Counsel appearing for the respondents 2 & 3. I have perused the material record.

3. According to the petitioner, the petitioner purchased the subject plot under regular sale deed, dated 18.04.2007, and that when there was a claim that the plot is a part of the Municipal Road, the petitioner filed a suit in O.S.No.92 of 2008, on the file of the Principal Junior Civil Judge, at Mahabubabad, against the then Gram Panchayat and that the said suit was decreed and that in view of the said facts, an opportunity ought to have been given to him for submitting the true facts before the authority before the petitioner's request for construction permission was rejected.

4. Learned Standing Counsel appearing for the respondents 2 & 3 would submit that the plot in question is a road and, therefore, the renewal application is rejected.

5. However, it is not in dispute that no opportunity of hearing is provided to the petitioner before the order impugned is passed.

6. Having regard to the facts and submissions, the Writ Petition is allowed and the order, dated 12.02.2014, is set aside and the matter is remitted to the Commissioner, Mahabubabad Municipality Grade-II, Mahabubabad, Mahabubabad District, 2nd respondent herein, with a direction to afford an opportunity of personal hearing to the petitioner and also to produce the documents, if any, on which the petitioner intends to rely and then consider and dispose of the renewal application, dated 27.01.2017, of the petitioner within a period of three (03) weeks from the date of receipt of a copy of this order and communicate the decision taken thereon to the petitioner within a week thereafter. Till such exercise is completed, the petitioner is directed to maintain absolute *status quo* without making any constructions in the plot in question.

There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE M. SEETHARAMA MURTI

Date: 15th November, 2017

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264

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