

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

WRIT PETITION No.32285 OF 2016

ORDER:

The writ petition is filed under Article 226 of the Constitution of India seeking the following relief:

“to issue a writ, order or direction, more particularly a writ of Mandamus declaring the action of the respondents 4 & 5 in trying to demolish the house of the petitioner which was constructed in Sy.No.375/B situated at Gundlapalli Village, Bejjanki Mandal, Karimnagar District without considering the explanations submitted by the petitioner to the show cause notice issued by the respondents 4 & 5 as illegal, arbitrary, abuse of process of law, violation of principles of natural justice and consequently direct the respondents 4 & 5 not to demolish the house of the petitioner constructed in Sy.No.375/B situated at Gundlapalli Village, Bejjanki Mandal, Karimnagar District.”

2. Heard Sri S.Surender Reddy, learned counsel appearing for the petitioner, learned Government Pleader for Panchayat Raj and Rural Development (TS) appearing for respondent Nos.1 to 3 and Sri G.Narender Reddy, learned Standing Counsel appearing for respondent Nos.4 and 5.

3. According to the petitioner, she is the absolute owner and possessor of house plot situated in Sy.No.375/B situated at Gundlapalli Village, Bejjanki Mandal, Karimnagar District and she made an application to the respondent Gram Panchayat for building permission. According to the petitioner, the District Panchayat Officer, Karimnagar, vide proceedings No.A7/2461/2014-Pts., dated 05.12.2014, instructed the

respondent Gram Panchayat to take appropriate action on the application of the petitioner for building permission. Pursuant to the above said instructions of the District Panchayat Officer, dated 05.12.2014, the respondent Gram Panchayat issued a final notice bearing No.02/GP Gundlapalli/ /2016, dated 03.09.2016, asking the petitioner to show cause as regards the residential structure raised by the petitioner herein without prior permission of the Gram Panchayat. The material available before this Court discloses that in response to the said final notice, dated 03.09.2016, the petitioner herein submitted explanation on 12.09.2016 requesting not to take any further steps pursuant to the show cause notice. In the above background, contending that without considering the said explanation and without passing any orders, respondent Nos.4 and 5 are trying to demolish her house, the present writ petition came to be filed.

4. Reiterating the contents of the counter-affidavit, it is submitted by the learned Standing Counsel that though the petitioner herein was given notices calling upon her to produce the documents to take action pursuant to the instructions of the District Panchayat Officer, dated 05.12.2014, the petitioner herein has not placed the necessary documents before the Gram Panchayat for consideration of the issue. In fact, at paragraph No.7 of the counter filed by the Panchayat Secretary, it is stated that despite notices, the petitioner herein did not turn up to produce the documents.

5. Having regard to the submissions made by the learned counsel for the petitioner and the learned Standing Counsel, and

the facts and circumstances of the case, this Court deems it appropriate to dispose of the writ petition, keeping it open to the petitioner herein to place the entire material before the respondent Gram Panchayat for its consideration for taking further action pursuant to the final notice and the explanation submitted by the petitioner herein.

6. For the aforesaid reasons, the writ petition is disposed of, directing the petitioner herein to place before the respondent Gram Panchayat relevant documents in support of her right within a period of four (4) weeks from the date of receipt of a copy of this order and after the same are placed within the time stipulated above, the same may be considered and appropriate action be taken by the respondent Gram Panchayat by taking into consideration the explanation and the documents to be placed by the petitioner within a period of two (2) months thereafter after giving notice and opportunity of being heard to the petitioner. Till then, the interim order granted by this Court on 22.9.2016 in W.P.M.P.No.39934 of 2016 shall continue. There shall be no order as to costs.

7. Miscellaneous Petitions pending, if any, in this writ petition shall stand closed.

JUSTICE A.V.SESHA SAI

Date: 14.2.2017
AMD

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