

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.41192 OF 2017

ORDER:

The case of the petitioners is that 1st petitioner acquired land to an extent of Ac.0-20 gts in Sy.No.73/A situated at Adibatla (Aditya Nagar), Ibrahimpatnam Mandal, Ranga Reddy District through registered gift settlement deed bearing document No.2936/2008, dated 29-04-2008, which was executed by his paternal grandfather and pattadar passbook and title deed was also issued in his favour. The 1st petitioner has sold land to an extent of Ac.0-05 gts out of Ac.0-20 gts in favour of one K.Joseph through registered sale deed bearing document No.5785/2010, dated 27-10-2017 and said K.Joseph in turn executed gift settlement deed in favour of the 2nd petitioner vide document dated 22-01-2011. The 2nd petitioner after obtaining gift settlement deed approached the 3rd respondent and obtained permission for construction of house on 13-11-2013 and constructed house as per sanction plan accorded by the 3rd respondent. After completion of construction, the 3rd respondent assessed the building and allotted house No.7-18/2 and property tax was also assessed. The 2nd petitioner is paying the property tax and applied for regularization of the said property. The 3rd respondent got issued notice on 16-10-2017 to petitioners stating that they have constructed house in open place as per lay out sanctioned plan. It is stated that the petitioners have filed reply stating the above facts. But however, without passing any further orders, the respondents are trying to demolish the houses of

the petitioners. Aggrieved by the same, the present writ petition is filed.

Heard learned counsel for the petitioners and Sri G.Narender Reddy, learned Standing Counsel for respondent No.3, who submits that the petitioners have made constructions in the land developed by the 4th respondent, which was gifted to Grampanchayat as open space, as such the same is in violation of lay out rules.

Heard learned Government Pleader for Panchayat Raj.

It is to be seen that the impugned notice is issued directing the petitioners to handover the site as it is gifted to the Grampanchayat by the 4th respondent. But since the petitioners have already filed reply, the said notice can be treated as show-cause notice.

In view of the same, the 3rd respondent is directed to pass appropriate orders after considering the explanation of the petitioners and after affording opportunity of hearing to the petitioners. Till passing of orders, there shall be stay of demolition of the subject property of the petitioners and the petitioners shall not make any further constructions.

With the above direction, the writ petition is disposed of. There shall be no order as to costs. As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY,J

06-12-2017
Nvl



