

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

W.P.No.20208 of 2018

ORDER:

Earlier, the petitioners herein claim to have submitted an application under Land Regularisation Scheme in respect of land in Survey No.119 of Puppalaguda village, Gandipet mandal, Ranga Reddy district. By way of an order vide proceedings No.HMDAL-215540/LRS/SKP/Plg/HMDA/2015-16 dated 6.9.2017, the Hyderabad Metropolitan Development Authority (HMDA) granted regularisation in favour of the petitioners in respect of the said land. Now by way of impugned letter bearing No.HMDAL-215540/LRS/SKP/Plg/HMDA/2015-16 dated 25.1.2018, the Commissioner, HMDA rejected the proposal of the petitioners for regularisation of the said land.

2. According to the learned counsel for the petitioners, the impugned action on the part of the Respondent authorities is highly illegal, arbitrary and violative of Articles 14 and 300-A of the Constitution of India, besides being opposed to the principles of natural justice. There is absolutely no dispute with regard to the reality that earlier in respect of the self-same property, the Respondent authorities granted regularisation vide proceedings dated 6.9.2017. It is the specific case of the petitioners, as advocated by the learned counsel for the petitioners, that the 2nd respondent passed the impugned order without being preceded by any notice or opportunity of hearing to the petitioners.

3. It is a settled and well established proposition of law that any action which has civil consequences must be preceded by a notice and opportunity of being heard to the persons likely to be affected by such action. In the

instant case, the said principle is followed in breach. Even the impugned letter dated 25.1.2018 does not indicate as to the issuance of show cause notice before resorting to impugned action. On this ground alone, the impugned letter dated 25.1.2018 is liable to be set aside.

4. Accordingly, the writ petition is allowed, setting aside the impugned letter bearing No.HMDAL-215540/LRS/SKP/Plg/HMDA/2015-16 dated 25.1.2018 issued by the 2nd respondent. However, it is open for the 2nd respondent herein to issue show cause notice and proceed further in accordance with law. As a sequel, the miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

Date: 10.7.2018
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A.V.SESHA SAI, J

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10.7.2018

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