

THE HON'BLE SRI JUSTICE P. KESHA RAO

WRIT PETITION No.4777 of 2016

ORDER:

Heard the learned counsel for the petitioner as well as the learned Standing counsel for the respondents 2 and 3.

The prayer in the writ petition is as under:

“ to issue a writ of Mandamus declaring the impugned proceedings dated 10.12.2015 vide B.A.No.12374/2014/ACP-1 issued under section 450 of the Hyderabad Municipal Corporation Act, 1955 revoking building plan granted to petitioner vide B.A.No.12374/2014/ACP-1 dated 30.7.2014 as illegal, arbitrary and violative of Article 14,21 and 300A of the Constitution of India r/w HMC Act, 1995 and consequently set aside the same and pass such other order or orders as this Hon'ble Court deems fit and proper in the circumstances of the case.”

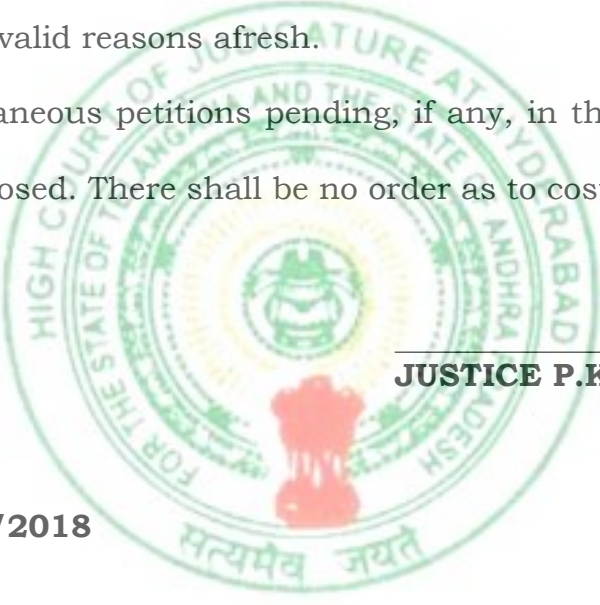
The grievance of the petitioner in the writ petition is that while passing the impugned proceedings, the 2nd respondent, has not given any reasons while revoking the permission already granted vide proceedings B.A.No.12374/2014/ACP-1 dated 30.7.2014 in exercise of the powers conferred under Section 450 of the Hyderabad Municipal Corporation Act of 1955. Learned Standing counsel appearing for the respondents 2 and 3 has fairly conceded that no reasons have been assigned while passing the impugned order.

A perusal of the material on record, particularly, the impugned proceedings issued vide B.A.No.12374/2014/ACP-1 dated 10.12.2015, would reveal that except narrating the facts and the litigation pending between the petitioner and the other person,

absolutely no reasons have been given with reference to revocation of permission which is already granted. Therefore, this Court, taking into consideration the submissions made by the learned counsel and also the defect crept in the impugned proceedings, is of the opinion that the impugned proceedings dated 10.12.2015 are liable to be set aside.

Accordingly, the Writ Petition is allowed and the impugned proceedings issued vide B.A.No.12374/2014/ACP-1 10.12.2015 are set aside. However, the 2nd respondent is given liberty to consider the entire material before him and pass appropriate orders giving valid reasons afresh.

Miscellaneous petitions pending, if any, in this Writ Petition shall stand closed. There shall be no order as to costs.



JUSTICE P.KESHA RAO

Date: 19/04/2018

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