

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.23198 OF 2017

ORDER:

Heard Kum C.Sindhu Kumari, learned counsel for the petitioner, and Sri G.Seshadri, learned Standing Counsel appearing for respondent No.2.

2. According to the petitioner, he is the absolute owner and possessor of the land admeasuring 302 sq.yards covered by R.S.No.83/1 bearing D.No.2-21A, Agiripalli Village, Krishna District having purchased the same by way of a registered sale deed, dated 16.08.2005. The respondent Gram Panchayat, on an application made by the petitioner, granted building permission *vide* proceedings bearing D.Dis.No.27/2015-2016, dated 31.03.2016. Now, by virtue of the order under challenge *vide* ROC.No.27/2016-2017, dated 27.08.2016, the Panchayat Secretary of the respondent Gram Panchayat, respondent No.2 herein, cancelled the said permission granted earlier in favour of the petitioner herein.

3. According to the learned counsel for the petitioner, the said action on the part of respondent No.2 Gram Panchayat is highly illegal, arbitrary and is violative of Article 14 of the Constitution of India and also violative of the principles of natural justice. In elaboration, it is further submitted that the respondent Gram Panchayat, before resorting to the impugned action of cancellation of the building permission, did not issue any notice nor afforded any opportunity of being heard to the petitioner herein.

4. This Court is of the opinion that respondent No.2 Gram Panchayat ought not to have resorted to the impugned action for cancellation without issuing any notice in advance to the petitioner herein and the said action, in the definite opinion of this Court, is a flagrant violation of the principles of natural justice. Therefore, this Court is inclined to set aside the order of cancellation, dated 27.08.2016, passed by respondent No.2 Gram Panchayat keeping it open for respondent No.2 to take action strictly in accordance with law.

5. For the above said reasons, the Writ Petition is allowed, setting aside the impugned order issued by respondent No.2 *vide* ROC.No.27/2016-2017, dated 27.08.2016. However, this order will not preclude the respondent Gram Panchayat from proceeding in accordance with law after giving notice and opportunity to the petitioner herein. There shall be no order as to costs.

6. Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

JUSTICE A.V.SESHA SAI

Date : 02.01.2018
AMD

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI



WRIT PETITION No.23198 OF 2017

Date: 02.01.2018

AMD