

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

W.P.No.1248 of 2019

ORDER

Heard learned counsel for the petitioners, learned Standing Counsel for respondents 1 to 3 and learned Government Pleader for Municipal Administration and Urban Development for respondent No.4.

2. This writ petition is filed seeking to quash the order dated 29.11.2018 passed by the 1st respondent cancelling the LRS and building permission of the petitioners and to direct the respondents not to interfere with the construction of the petitioners over plot Nos.227 and 226 (p) admeasuring 335 sq. yards in Sy.No.179 of Maruthinagar and Saheb Nagar Kalan, Hyderabad, as per the building permission dated 05.10.2017.

3. The main grievance of the petitioners is that without considering the detailed explanation submitted by them, the respondents have passed the impugned order, which is not a speaking order.

4. Learned counsel for the petitioners would contend that the impugned order is liable to be set aside on the ground that it was passed without considering the material placed on record.

5. Learned Standing Counsel for respondents 1 to 3 would submit that in the event the impugned order is set aside, the matter may be remitted back to the 1st respondent to pass orders in accordance with the principles of natural justice.

6. A perusal of the order impugned would show that it is a cryptic order in three paragraphs. Paragraph Nos.1 and 2 relate to previous history, in brief, particularly the direction of this Court in PIL No.191 of 2018. The allegation against the petitioners is that they had constructed the house in the area earmarked as open space. Further, there is no reference with regard to the explanation submitted by the petitioners. The order impugned does not inspire confidence that the 1st respondent had dealt with the matter in accordance with law. The relevant portion of the impugned order is extracted as under:

“Therefore, the LRS permission accorded vide Proceeding No.LRS/2703/2017/113711 dated 27.03.2017 together building permission accorded vide permit No.3/C3/09365/2017 dated 05.10.2017 in File No.3/C3/03950/2017 is hereby cancelled u/s.450 of GHMC Act as it is proved that you have obtained the permission by suppressing and misrepresentation of facts”.

7. In the above circumstances, the impugned order is set aside, by remanding matter back to the 1st respondent to pass appropriate reasoned order in accordance with law after affording opportunity of hearing to the petitioner.

8. Accordingly, the Writ Petition is allowed. No order as to costs. Miscellaneous petitions, if any pending in this writ petition, shall stand closed.

25th January, 2019
sj

CHALLA KODANDA RAM, J