

HONOURABLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.1735 of 2019

ORDER:

The prayer of the petitioner in this case reads as under:

“For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon’ble Court may be pleased to issue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of *Mandamus* declaring the inaction of the 2nd respondent and its officials in interfering with construction activity over the land admeasuring 542 Sq yards bearing Plot Nos 155 and 156 situated at IDPL Workers Cooperative Housing Society covered by Survey Nos.50 and 133 situated at ‘Azad Chandra Sekhar Nagar’, Pragathinagar Gram Panchayat, Bachupally Village and Mandal, Medchal-Malkajgiri District, Telangana, as illegal, arbitrary, unconstitutional and consequently direct the 2nd respondent not to demolish the structures raised over the schedule property i.e., land admeasuring 542 Sq yards bearing Plot Nos.155 and 156 situated at IDPL Workers Cooperative Housing Society covered by in Survey Nos.50 and 133 situated at Azad Chandra Sekhar Nagar, Pragathinagar Gram Panchayat, Bachupally Village and Mandal, Medchal-Malkajgiri District, Telangana and be pleased to pass and to pass such other order or orders as this Honourable Court may deem fit and proper in the facts and circumstances of the case.”

The subject construction activity was undertaken pursuant to the permission granted by Pragathinagar Gram Panchayat, Quthbullapur Mandal, Medchal-Malkajgiri District. The sanctioned permission is valid till 06.9.2020.

Sri G.Narender Reddy, learned counsel for the respondent-Gram Panchayat, would however state that the construction is being made contrary to the sanctioned plan.

If that is so, it is for the respondent-Gram Panchayat to issue a notice to the petitioner/permission-holder setting out the details of the alleged deviation from the sanctioned plan and thereafter take

appropriate action after considering the representation, if any, made in response thereto. Without following the due procedure, it is not open to the officials of the respondent-Gram Panchayat to interfere with the construction activity or resort to demolition straightaway.

In that view of the matter, the Writ Petition is disposed of leaving it open to the respondent-Gram Panchayat to take steps, if warranted, as indicated supra.

Pending Miscellaneous Petitions, if any, shall stand closed in the light of this order. No order as to costs.

JUSTICE SANJAY KUMAR

01st February, 2019
Note:
Issue CC by 04.02.2019.
B/o
dr