

THE HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITIOIN No.16679 of 2019

ORDER:

Heard.

2. This writ petition is filed challenging the order of the Municipal Commissioner of Kothakota Municipality, dated 26.07.2019. By this order, the building permission earlier granted by the Grampanchayat is cancelled. The said order is attacked primarily on the ground that the same was passed without notice and opportunity to the petitioners and therefore, on that ground alone that order is liable to set aside.

3. However, learned Standing Counsel fairly submitted that the order dated 26.07.2019 is without any notice and opportunity. According to the learned Government Pleader, the petitioners are constructing houses in the tank bed and the same is not permissible.

4. The issue as to whether the petitioners are in occupation of the tank bed is the subject matter of proceedings before the Tahsildar, against which the 1st petitioner herein intends to seek to file appeal. Therefore, this Court is not expressing any opinion. Admittedly, order dated 26.07.2019 was not preceded by any notice.

5. Therefore, the writ petition is allowed setting aside the order dated 26.07.2019 and the matter is remanded to the Commissioner, Kothakota Municipality. He shall take appropriate proceedings as

warranted by law after affording opportunity to the parties. No order as to costs.

Miscellaneous petitions, if any pending, shall stand dismissed.

P. NAVEEN RAO, J

August 07, 2019

Note:

Furnish CC in three days.

B/O.KTL

