

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.19268 of 2019

ORDER

This writ petition is filed seeking the following relief:

“....to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus or any other appropriate writ (i) declare the notice dated 31.08.2019 issued by the Junior Panchayat Secretary, Haripirala Village, Torrur Mandal, Mahaboobabad District including the notice R.C.No.80/2019-A2, dated 23.08.2019 is wholly illegal, arbitrary, contrary of law and violation of principles of natural justice; (ii) and consequently set aside the same (iii) pass such order or other orders as this Hon'ble Court may deem fit and proper in the interest of justice.”

Heard Smt K.Udaya Sri, learned counsel appearing for the petitioner, learned Government Pleader for respondents 1 and 2 and Sri G.Narender Reddy, learned Standing Counsel for respondents 3 to 5.

It is the case of the petitioner that his father was the absolute owner of the land admeasuring Ac.0.35 guntas and Ac.0.36 guntas, totaling to Ac.1.21 guntas in Sy.No.130/A of Haripirala Village, Torrur Mandal, Mahaboobabad District. His father expired on 2.8.2008. Hence, his mother became the absolute owner of the said property. Thereafter, his mother executed a registered gift deed on 25.03.2009 in his favour and

since then he is the absolute owner and possessor of the said land. Hence, the petitioner made an application dated 18.04.2019 to the Executive Officer, Panchayat Raj Department for grant of permission for construction of small shed in the said land. Thereafter, he constructed a small shed under the impression that permission was granted to him. But the respondents have issued notices dated 23.8.2019 and 31.08.2019 directing him to remove the said construction. Challenging the same, the present writ petition is filed.

Learned counsel appearing for the petitioner contended that without considering the application submitted by the petitioner, the respondents have issued the demolition notices on 23.8.2019 and on 31.08.2019, which is arbitrary and illegal. It is prayed that appropriate orders be passed directing the respondents to consider the application dated 18.04.2019 submitted by the petitioner seeking permission for construction of small shed. If the application of the petitioner is rejected, then the respondents are entitled to issue notices for demolition of the structures.

Learned Standing Counsel appearing for the respondents contended that since the petitioner has not obtained prior permission for construction of the shed, the respondents have issued the notices for demolition of the

same. It is further contended that the respondents would take necessary action on the application submitted by the petitioner in accordance with law.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the considered view that since the impugned notices are issued without considering the application of the petitioner, the said notices are liable to be set aside.

Accordingly, the Writ Petition is allowed and the impugned notices are set aside. However, liberty is given to the respondents to consider and pass appropriate orders on the application submitted by the petitioner and thereafter, take necessary action in accordance with law. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

26th September, 2019

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