

HONOURABLE SRI JUSTICE T. VINOD KUMAR

WRIT PETITION No.22929 OF 2019

ORDER (ORAL) :

This writ petition is filed by the petitioner seeking to declare the action of respondent No.3 - Allipur Gram Panchayat, represented by its Panchayat Secretary, in issuing notice dated 01.10.2019 directing her to stop construction in Door No.8-14/1, situated at Allipur Village, Raikal Mandal, Jagtial District, and interfering with her ownership, peaceful possession and enjoyment over the said house without following due process of law as being illegal and arbitrary and for a consequential direction to set aside the notice.

2. The case of the petitioner is that she has submitted an application for demolition of old house existing on the aforesaid premises and for construction of a shopping complex therein, but the authorities of the Gram Panchayat, neither granted permission nor rejected the application. In view of the same, since according to Section 114 of The Telangana Panchayat Raj Act, 2018 (for short 'Panchayat Raj Act'), permission for construction is deemed to have been granted, she has proceeded with the construction, and, therefore, the Gram Panchayat, at this stage, cannot issue the impugned notice directing to stop the construction, particularly, based on the complaint of a neighbour.

3. Respondent No.3 - Panchayat Secretary of Allipur Gram Panchayat filed a detailed counter affidavit.

4. Heard Sri K. Laxmi Manohar, learned counsel for the petitioner, learned Government Pleader for Panchayat Raj appearing for respondent Nos.1 and 2, and Sri G. Narender Reddy, learned Standing Counsel for Gram Panchayat, appearing for respondent No.3, and perused the material on record.

5. The learned counsel for the petitioner submits that the impugned notice is bereft of details and seeks for setting aside the same.

6. When the matter came up for hearing on 23.10.2019, this Court suspended the impugned notice issued by the Gram Panchayat making it clear that the suspension of the impugned notice will not preclude the Gram Panchayat authorities from taking appropriate action in accordance with law after issuing notice with necessary particulars and opportunity of hearing to the petitioner.

7. However, the learned counsel appearing for both sides submit that they have no objection for this Court setting aside the impugned notice dated 01.10.2019 by granting liberty to the Gram Panchayat to initiate proceedings afresh as observed by this Court on 23.10.2019.

8. Having regard to the said submission, the impugned notice dated 01.10.2019 is set aside. It is made clear that the authorities of the Gram Panchayat are at liberty to initiate fresh proceedings against the deviations or violation of the provisions of the Panchayat Raj Act,

if any, in relation to construction of the petitioner on the subject premises, after issuing notice with the required particulars and affording an opportunity of hearing to the petitioner in accordance with law.

9. With the above directions, the writ petition is allowed.

No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition stand closed.

November 28, 2019.
PV

T. VINOD KUMAR, J

