

THE HON'BLE SRI JUSTICE T.VINOD KUMAR

WRIT PETITION No.5148 of 2020

ORDER:

The present writ petition is filed to declare the action of respondents 2 and 3 in issuing the notice, dated 04.03.2020, bearing G.P. File No.03/2020, directing the petitioner to stop the construction in respect of House No.1-1/90 situated at Buchiguda Village, Farooqnagar Mandal, Ranga Reddy District, without following the due process of law, as illegal and arbitrary.

2. Heard Sri R.Sushanth Reddy, learned counsel for the petitioner, learned Government Pleader for Panchayat Raj, appearing for respondent 1, and Sri G.Narender Reddy, learned standing counsel for the Gram Panchayat, appearing for respondents 2 and 3.

3. The case of the petitioner is that, the petitioner is owner of House No.1-1/90 admeasuring 246.65 square metres situated at Buchiguda Village and he applied for building permission in respect of the said land. The petitioner was granted permission for construction of a house, *vide* order passed in December, 2018. The grievance of the petitioner is that, though the petitioner has taken up the construction in accordance with the permission granted by the authorities, the 3rd respondent has issued the impugned notice, dated 04.03.2020, directing the petitioner to stop the construction of the house, since the construction of the house is being taken up in violation of the sanctioned plan.

4. The impugned notice issued to the petitioner does not indicate as to what is the deviation in the construction from the sanctioned plan or any explanation having been called for from the petitioner.

5. In that view of the matter, since the impugned notice does not specify the reason or mention the deviation to enable the petitioner to offer his explanation, this Court is of the view that the same cannot be sustained and is liable to be set aside, since it is against the principles of natural justice.

6. Hence, the writ petition is allowed and the impugned notice dated 04.03.2020 is accordingly set aside. However, it is made clear that the respondent authorities are at liberty to issue a fresh notice indicating the deviation from the sanctioned plan by affording an opportunity to the petitioner to offer his explanation thereto or to bring it to the notice of the respondent authorities as to whether such deviation exists or not.

Pending miscellaneous petitions, if any, shall also stand closed in the light of this final order. No order as to costs.

JUSTICE T.VINOD KUMAR

Date:06.03.2020

GJ