

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION No. 14376 OF 2022

ORDER:

This Writ Petition is filed to declare the action of the 2nd respondent – Municipality in issuing the notice under Section 178(6) of the Telangana Municipalities Act, 2019, dated 16.02.2022 and taking coercive steps in respect of the house bearing No. 4-136 situated in Survey Nos. 229 and 227 at Miryalaguda Road, Ram Nagar, Nalgonda, despite the permission issued by the 2nd respondent as arbitrary and illegal.

2. The petitioner claims to be the owner and possessor of the subject house property allotted to her by the government which is in a dilapidated condition. She made a representation to the Mandal Revenue Officer on 04.07.2019 seeking permission for construction of a new house by demolishing the old house. On the suggestion made by the revenue officials, the petitioner filed Application *online* for construction of new house. After due enquiry, the 2nd respondent issued permission to petitioner *vide* permission dated 19.06.2021 to an extent of 90 square yards, permission dated 23.06.2021 to an extent of 120 square yards, permission dated 02.07.2021 to an extent of 180 square yards and permit dated 07.07.2021 to an extent of 150

square yards, total to an extent of 540 square yards. However, to the surprise of the petitioner, the 2nd respondent issued notice dated 16.02.2022 to stop the construction and obtain building permission from Nalgonda Municipality within three days.

3. Learned counsel for the petitioner Sri Rajeshwar Panuganti submits that the petitioner after obtaining permission is proceeding with the construction.

4. Sri N. Praveen Kumar, learned Standing Counsel for the Municipality submits that the permissions which were granted to the petitioner were revoked and in spite of the same, she is going ahead with the construction, hence, the impugned notice was issued under Section 178(6) of the Act.

5. In response to the same, learned counsel for the petitioner submits that the revocation order was not served on the petitioner and this Court in Writ Petition No. 20398 of 2021 and batch, dated 13.12.2021 held that while revoking permission, a notice is required to be given to the applicant. Admittedly, in this case, the revocation order was not served on the petitioner.

6. In the light of the order passed by this Court in Writ Petition No. 20398 of 2021 and batch, dated 13.12.2021, the

Writ Petition is allowed and the impugned proceedings dated 16.02.2022 is set aside. The respondents are directed to serve a show cause notice along with a copy of the revocation order. The petitioner is directed to submit her explanation to the objections pointed out in the impugned revocation order to the respondent authorities within a period of two weeks from today. On such submission of explanation, the respondent authorities are entitled to pass appropriate orders, in accordance with the provisions of TS-bPASS Act and the Rules made thereunder, within a period of one week from the date of receipt of such explanation. If no orders are passed by the respondent authorities within the time indicated above, there shall be deemed approval of the application of the petitioner filed for construction of building. It is made clear that until the orders are passed as stated above, the petitioner shall not proceed with any type of constructions in the subject land and the respondent authorities also shall not take any coercive steps against the petitioner. There shall be no order as to costs.

7. The Miscellaneous Applications, if any shall stand automatically closed.

LALITHA KANNEGANTI, J

25th March 2022

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