

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)
FRIDAY, THE THIRTIETH DAY OF DECEMBER
TWO THOUSAND AND TWENTY TWO
PRESENT**

**THE HON'BLE SMT JUSTICE LALITHA KANNEGANTI
WRIT PETITION NO: 46688 OF 2022**

Between:

Banoth Padma, W/o. Balaji, Occ. Household, R/o. H. No. 8-733, Laxmipuram, Konijarla
Mandal, Khammam District.

...PETITIONER

AND

1. The State of Telangana, Represented by its Principal Secretary, Municipal Administration and Urban Development Department, Secretariat, at Hyderabad.
2. The Khammam Municipal Corporation, Represented by its Commissioner, at Khammam.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue Writ or Direction preferably Writ of Mandamus, declaring the notice issued by the Respondent No. 2 vide Letter No. 198002/KHAM/1415/2022 dated 15-09-2022 as illegal, arbitrary, without authority and violative of principles of natural justice and consequently set aside the same and declare the permission granted earlier is valid.

IA NO: 1 OF 2022

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to stay the operation of notice issued by the Respondent No. 2 vide Letter No. 198002/KHAM/1415/2022 dated 15-09-2022.

Counsel for the Petitioner(s):SRI. KOWTURU PAVAN KUMAR

Counsel for the Respondents: GP FOR MCPL ADMN URBAN DEV

The Court made the following: ORDER

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION No.46688 of 2022

ORDER:

This Writ Petition is filed seeking the following relief:

" ... to issue Writ or Direction preferably Writ of Mandamus declaring the notice issued by the Respondent No.2 vide Letter No.198002/KHAM/1415/2022 dated 15-09-2022 as illegal, arbitrary, without authority and violative of principles of natural justice and consequently set aside the same and declare the permission granted earlier is valid and"

2. Heard Mr. Kowturu Pavan Kumar, learned counsel for the petitioner and Mr. P. Sreedhar Rao, learned Standing Counsel for the respondent Municipality. Both the learned counsels submit that the issue in this Writ Petition is squarely covered by the order dated 13.12.2021 in Writ Petition No. 20398 of 2021 and batch wherein this Court considered the issue at length and passed directions therein at paras 12 and 13 and the portion of the said directions that are upheld by the Division Bench of this court vide judgement dated 08.12.2022 in Writ Appeal No.798 of 2022 are extracted hercunder:

" 12. In view of the above, this Court is of the opinion that in order to justify the action taken by the respondent authorities in revoking the building permission of the petitioners, they ought to have acted fairly and in strict adherence to the principles of natural justice. However, since the learned Special Government Pleader, on instructions, submitted that the impugned revocation letters passed against the petitioners stand withdrawn to the extent of revocation of permission to construct buildings, the said submission is placed on record. The impugned revocation

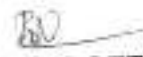
letters passed by the respondent authorities against the petitioners stand withdrawn to the extent of revocation of permission to construct buildings, in terms of submissions made by the learned Special Government Pleader. The petitioners are directed to submit their explanations to the objections pointed out in the impugned revocation letters to the respondent authorities within a period of two weeks from today. On such submission of explanations by the petitioners, 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 explanations. It is made clear that until passing of orders by the respondent authorities within the time prescribed on the explanations submitted by the petitioners, the petitioners shall not proceed with any type of constructions in their respective subject lands.

3. In view of the above, the Writ Petition is allowed setting aside the revocation orders dated 15.09.2022. The respondents are directed to follow the guidelines/directions issued by this Court in Writ Appeal No.798 of 2022 dated 08.12.2022 and Writ Petition No.20398 of 2021 and batch, dated 13.12.2021 and pass orders in accordance with law. The petitioner shall be given an opportunity of personal hearing. There shall be no order as to costs.

4. Miscellaneous Applications, if any, shall stand automatically closed.

SD/-L.SHIVA PARVATHI
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The Principal Secretary, Municipal Administration and Urban Development Department, Secretariat, State of Telangana, at Hyderabad.
2. The Commissioner, Khammam Municipal Corporation, at Khammam.
3. One CC to SRI. KOWTURU PAVAN KUMAR Advocate [OPUC]
4. Two CCs to GP FOR MCPL ADMN URBAN DEV, High Court for the State of Telangana. [OUT]
5. Two CD Copies

HIGH COURT

L.K, J

DATED: 30/12/2022

ORDER

WP.No. 46688 of 2022



**WRIT PETITION IS
ALLOWED
WITHOUT COSTS**