

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION No. 14974 of 2022

ORDER:

This Writ Petition is filed to declare the action of the 2nd respondent in passing the revocation order through letter No. 127180/SHAD/0060/2022, dated 28.01.2022 for construction of residential house stilt for parking + 2 upper floors in total land admeasuring 239 square yards in Plot No.42, situated at Survey No. 241/P, Vimala Shankar Nagar Colony, Shadnagar Village, Farooqnagar Mandal, Ranga Reddy District as illegal, arbitrary and violative of the principles of natural justice.

2. Heard Sri Katta Laxmi Prasad, learned counsel for the petitioner, learned Assistant Government Pleader for Municipal Administration and Urban Development and Sri N. Praveen Kumar, learned Standing Counsel for the respondent Municipality. All the learned counsel 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 at paras 12 and 13 directed as under:

“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impugned revocation letters passed against the petitioners stand withdrawn to the extent of revocation of permission to construct buildings, the said submission is placed on record. The impugned revocation letters passed by the respondent authorities against the petitioners stand withdrawn to the extent of revocation of permission to construct buildings, in terms of submissions made by the learned Special Government Pleader.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. In case, if no orders are passed by the respondent authorities within the time indicated above, there shall be deemed approval of the applications of the petitioners filed for construction of buildings. 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.

13. As regards the contention of the learned counsel for the petitioner in W.P.No. 32665 of 2021 that the revocation order was passed without recording any objections, the respondent authorities are directed to bring the objections to the notice of the petitioner therein within a period of one week from today; and on receipt of such objections, the petitioner shall submit his explanation to the said objections within two weeks thereafter; and on submission of such explanation by the petitioner, the respondent authorities are entitled to pass appropriate orders in accordance with the provisions of TS-bPASS Act and the Rules made thereunder within one week from the date of receipt of such explanation. In case, 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 passing of orders by the

respondent authorities within the time prescribed on the explanations submitted by the petitioner, the petitioner shall not proceed with any type of constructions in his subject land.”

3. In view of the above, the Writ Petition is allowed setting aside the revocation order dated 28.01.2022. The respondents are directed to follow the guidelines / directions issued by this Court in Writ Petition No. 20398 of 2021 and batch, dated 13.12.2021 and pass orders in accordance with law. There shall be no order as to costs.

The Miscellaneous Applications, if any shall stand automatically closed.

LALITHA KANNEGANTI, J

Date: 24.03.2022

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