

HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)

TUESDAY, THE THIRTY FIRST DAY OF AUGUST
TWO THOUSAND AND TWENTY ONE

PRESENT

THE HON'BLE SRI JUSTICE K. LAKSHMAN

WRIT PETITION NO: 2338 OF 2021

Between:

Konkal Narasimha Reddy, S/o. Venkat Reddy, aged about 59 years, Occ. Agriculture, R/o. H. No. 1-6-42/2, Narayanpet Town Narayanpet District.

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary, Municipal Administration Department, Secretariat, Hyderabad.
2. The Narayanpet Municipality, Rep. by its Commissioner, Narayanpet District.
3. The Town Planning Supervisor of Narayanpet, Municipality, Narayanpet.

...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 an order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 2nd respondent in issuing impugned revocation notice dated 22/01/2021, revoking the construction permission granted in favour of the petitioner vide application No. 7413/NARP/0001/2021, dated 02/01/2021 as granted in respect of plot No. 22, admeasuring 45 Sq. Yards in Sy. No. 461/AA at Pallabuzurg of Narayanpet Municipality and District, without giving any notice and opportunity and further though the land in Sy.No. 461 is not belonging to the Narayanpet Municipality, as illegal, unlawful, contrary to law and consequently direct the 2nd respondent not to interfere with the construction of the petitioner over the above plot by - duly following the procedure contemplated U/Sec. 174 (1) of Municipalities Act, 2019 and further where' the petitioner proceeding with the construction only in terms of the earlier construction permission dated 02/01/2021.

IA NO: 1 OF 2021

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 suspend the operation of the impugned notice of revocation of construction permission issued by the 2nd respondent vide notice No. 7413/NARP/0001/2021, dated 22/01/2021 and not interfere with the construction of the petitioner over the plot No. 22, admeasuring 45 Sq. Yards in Sy. No. 461 at Pallabuzurg of Narayanpet Municipality and District, subject to making construction in terms of the construction permission dated 02/01/2021 and also in terms of Section 174 (1) of the Telangana Municipalities Act, 2019, pending disposal of main Writ Petition.

IA NO: 2 OF 2021:

Between:

The Narayanpet Municipality, Rep. by its Commissioner, Narayanpet District.
...PETITIONER/RESPONDENT NO. 2

AND

1. Konkal Narasimha Reddy, S/o. Venkat Reddy, aged about 59 years, Occ. Agriculture, R/o. H. No. 1-6-42/2, Narayanpet Town Narayanpet District.
...PETITIONER
2. The State of Telangana, Rep. by its Principal Secretary, Municipal Administration Department, Secretariat, Hyderabad.
3. The Town Planning Supervisor of Narayanpet, Municipality, Narayanpet.
...RESPONDENTS/RESPONDENTS

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 vacate the order passed in this Honble Court dated 02/03/2021 in W.P. No.2338 of 2021.

Counsel for the Petitioner: SRI M. DAMODAR REDDY

Counsel for Respondent No. 1: GP FOR MUNICIPAL ADMINISTRATION & URBAN DEVELOPMENT

**Counsel for Respondent Nos. 2 & 3: SRI N. PRAVEEN KUMAR,
SC FOR MUNICIPALITIES**

The Court at the admission stage made the following: ORDER

THE HONOURABLE SRI JUSTICE K.LAKSHMAN

WRIT PETITION No.2338 of 2021

ORDER:

This writ petition is filed declaring the impugned proceedings of the second respondent *vide* Notice No.7413/NARP/0001/2021 dated 22.01.2021 whereby revoking the building permission granted to the petitioner for his plot in Sy.No.461/B admeasuring 45 square yards situated at Narayananpet Village, Mandal and District, *vide* building permit order dated 02.01.2021 unilaterally without notice to the petitioner at the instance of third party complaints, as illegal and arbitrary.

2. Heard Sri M.Damodar Reddy, learned counsel for the petitioner and Sri N.Praveen Kumar, learned standing counsel appearing for respondent Nos.2 and 3. With their consent, this present writ petition is disposed of at the admission stage.

3. A perusal of the record would reveal that the petitioner herein has obtained building permissions *vide* permit No.7413/NARP/0001/2021 dated 02.01.2021 in respect of his plot in Sy.No.461/AA admeasuring 45 square yards situated at Narayananpet Village, Mandal and District. The said permit was revoked by the second respondent *vide* Notice No.7413/NARP/0001/2021 dated 22.01.2021 under Section 174(4)(10) of the Telangana Municipalities Act, 2019 (for short

'the Act') on the ground that the verification officers have not recommended title verification.

4. A perusal of the said revocation order dated 22.01.2021 would reveal that the second respondent has issued the said orders under Section 174(4)(10) of the Act. The said revocation order is a punitive action as there is no mention in the said order with regard to either serving of notice on the petitioner or affording an opportunity of hearing to the petitioner before cancelling the building permit granted in his favour. Admittedly, revocation of building permit granted in favour of the petitioner is a punitive action. Any punitive action should be preceded by compliance of principles of natural justice. It is settled law that before initiating any punitive action, the respondent authorities are bound to adhere to the principles of natural justice. The said principle was held by this Court in **MIRZA KHUSRU ALI BAIG V/s. THE GREATER MUNICIPAL CORPORATION**¹. But in the present case, the second respondent has not complied with the same.

5. In view of the above discussion and also on the short point that punitive action should be preceded by the compliance of principles of natural justice, the impugned revocation order dated 22.01.2021 is set aside. However, liberty is granted to the second respondent to follow the

procedure laid down under the Act and also the principles of natural justice and issue fresh orders.

6. Accordingly, this writ petition is allowed. There shall be no order as to costs. Miscellaneous petitions, if any, pending, shall stand closed.

SD/-B.SATYAVATHI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Municipal Administration Department, State of Telangana Secretariat, Hyderabad.
2. The Commissioner, Narayanpet Municipality, Narayanpet District.
3. The Town Planning Supervisor of Narayanpet, Municipality, Narayanpet.
4. One CC to Sri M.Damodar Reddy,Advocate [OPUC] f
5. Two CCs to GP For Municipal Administration & Urban Development, High Court for the State of Telangana. [OUT]
6. One CC to Sri N. Praveen Kumar, SC for Municipalities(OPUC)
7. Two CD Copies
8. One Spare copy

MBC



HIGH COURT

DATED: 31/08/2021



ORDER

WP.No.2338 of 2021

ALLOWING OF THE WRIT PETITION

WITHOUT COSTS.

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21/09
(10)