HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

WEDNESDAY,THE NINE DAY OF JULY
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE THE ACTING CHIEF JUSTICE SUJOY PAUL
AND
THE HONOURABLE SMT JUSTICE RENUKA YARA

WRIT APPEAL NO: 293 OF 2025

Writ Appeal under clause 15 of the Letters Patent appeal preferred against the order dated 12-11-2024 in W.P No. 30899 of 2024 on the file of the High Court.

Between:

Dama Sanjeeva, W/o Late Narsingam, Aged about 44 years. Occ. Beedi Roller, R/o H No 363/1, Gambheerpur Village, Kathalapur Mandal Jagtial District505462

...APPELLANT/PETITIONER

AND

1. The State of Telangana, Rep By its Principal Secretary Department of Panchayath Raj Secretariat at Hyderabad
2. The Gramapanchayath Gambheerpur Village, Kathalapur Mandal, Jagtial District, Pin. 505462, Rep by its Panchayath Secretary Gambheerpur
3. The Mandal Parished Development Officer, Kathalapur Mandal at Kathalapur
4. The District Panchayath Officer, DPO Jagtial District at Jagtial
5. Sri Dama Rajenarsaiah, S/o Chinna Gangaram Aged about 65 yeas Occ Agriculture R/o H No 362 gambhirpur Village Kothalapur Mandal Jagtital District 505462
6. Dama Bhumesh, S/o Sri Dama Rajenarsaiah Aged about 45 years Occ Agriculture R/o H No 362 Gambheerpur Village Kothalapur Mandal Jagtital District 505462

...RESPONDENTS

IA NO: 3 OF 2025

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 DIRECT the respondents 1 to 4 not to demolish or interfere with the construction of the ground plus one floor residential budding situated at House No. 3-62/A, Gambheerpur Village, Kathalapur Mandal. Jagtial District, as the plot measures 71.65 square yards. which is below the 75 square yards limit specified under

Section 7(2) of the TS-bPASS Act. 2020. and no building permission is required for such construction in the interest of justice

Counsel for the Appellant: SRI. VIJAY KUMAR BAIRI

Counsel for the Respondent Nos. 1&4: Ms. SHARIA PAWEEN, AGP FOR PANCHAYAT RAJ

Counsel for the Respondent Nos.2&3: SRI PRADEEP REDDY KATTA

Counsel for the Respondent Nos. 5&6: SRI B. BALAJI

The Court made the following: ORDER

THE HON'BLE THE ACTING CHIEF JUSTICE SUJOY PAUL
AND
THE HON'BLE SMT. JUSTICE RENUKA YARA

WRIT APPEAL NO.293 OF 2025

JUDGMENT *(Per Hon'ble Smt. Justice Renuka Yara):*

Heard Sri B.Vijay Kumar, learned counsel for the appellant, Sri Pradeep Reddy Katta, learned counsel for respondent No.2, Ms.Sharia Paween, learned Government Pleader for Panchayat Raj for respondent No.4 and Sri B.Balaji, learned counsel for respondent Nos.5 and 6. Perused the record.

2. With consent of both the parties, appeal is taken up for hearing and disposed of at the admission stage.

3. The Writ Appeal is filed aggrieved by the order dated 12.11.2024 passed in W.P.No.30899 of 2024 by the learned Single Judge of this Court.

4. W.P.No.30899 of 2024 was filed with the following prayer:

> "to declare the action of respondent No.4 in not conducting enquiry on petitioners representations dated 30.09.2024 and 09.10.2024 and legal notice dated 09.10.2024 made against the 5th respondent for making illegal and unauthorized construction by encroaching the petitioners open land house No.3.62 situated at Gambheerpur Village, Kathalapur Mandal, Jagtial District as being illegal, arbitrary and violative of Articles 14 and 21 of

Constitution of India and also violation of principles of natural justice and consequently direct the respondent Nos.2 to 4 to take necessary steps against the building construction of 5th respondent."

The writ Court disposed of the matter, without issuing notice to the appellant/respondent No.5 in the writ petition by passing an order, which reads as follows:

"In view of the above submissions, this Writ Petition is disposed of at the admission stage directing respondent No.4 to take action against the illegal and unauthorized construction raised by respondent No.5 after putting respondent No.5 on notice in accordance with law within a period of three (03) months from the date of receipt of a copy of this order. There shall be no order as to costs."

5. The aforesaid order shows that an adverse order has been passed against the appellant/respondent No.5 in the writ petition directing respondent No.2-Gram panchayat to take action against the appellant for taking up illegal and unauthorized construction. Such an adverse order passed against the appellant without issuing legal notice amounts to violation of principles of natural justice and fair play and therefore, liable to be set aside.

6. In the result, the Writ Appeal is allowed setting aside the order of the learned Singe Judge in W.P.No.30899 of 2024 dated

12.11.2024 and the matter is remanded back for disposal afresh. The appellant/respondent No.5 in the writ petition need not be served with notice afresh. There shall be no order as to costs.

As a sequel, Miscellaneous Petitions, pending if any, stand disposed of.

SD/- R.KARTHIKEYAN
JOINT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary Department of Panchayath Raj Secretariat at T.S.,Hyderabad
2. The Panchayat Secretary, Gramapanchayath Gambheerpur Village, Kathalapur Mandal, Jagtial District, Pin. 505462, Gambheerpur
3. The Mandal Parished Development Officer, Kathalapur Mandal at Kathalapur
4. The District Panchayath Officer, DPO Jagtial District at Jagtial
5. The Section Officer, Writ Division Bench, Section High Court for the State of Telangana, Hyderabad
6. The Section Officer, Posting Section , High Court for the State of Telangana , Hyderabad
7. One CC to SRI. VIJAY KUMAR BAIRI, Advocate [OPUC]
8. Two CCs to GP FOR PANCHAYAT RAJ RURAL DEVELOPMENT ,High Court for the State of Telangana at Hyderabad [OUT]
9. One CC to SRI. PRADEEP REDDY KATTA, Advocate [OPUC]
10. One CC to SRI. B. BALAJI, Advocate [OPUC]
11. Two CD Copies

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PSK

HIGH COURT

DATED:09/07/2025



JUDGMENT

WA.No.293 of 2025

ALLOWING THE WRIT APPEAL WITHOUT COSTS

(14)

kpr
18/8/25