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**THE HON'BLE SRI JUSTICE P. NAVEEN RAO**

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**Writ Petition No.13010 of 2015**

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**ORDER:**

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The petitioner claims that he is the owner of land to an extent of 4 cents having D.No.6-123, Ambedkar Nagar, Movva Village & Mandal, Krishna District. He is paying the property tax and electricity bills. He was issued household card, voter I.D. and Aadhar Card belonging to the same door number. It is stated that a small thatched shed/house is constructed in the said premises, and the petitioner is living therein for the past several years. While so, the Panchayat Secretary, Movva Mandal, Krishna District, the 4<sup>th</sup> respondent herein issued the impugned notice, dated 16-03-2015, under the provisions of the A.P. Panchayat Raj Act, directing the petitioner to remove the thatched house within seven days, failing which action will be initiated for removal of the encroachment. Aggrieved thereby, the petitioner filed this writ petition.

Heard the learned counsel for the petitioner, learned Government Pleader for Panchayt Raj, for respondents 1 to 3, and Sri Ravi Cheemalapati, learned Standing Counsel for respondent No.4.

Learned counsel for the petitioner contends that no notice or opportunity was given to the petitioner before taking such an extreme step of removal of the structures, and therefore, the impugned order is in violation of the principles of natural justice and is liable to be set aside. It is stated that the Government itself issued orders in G.O.Ms.No.555, dated 03-12-1999, prescribing the procedure to be followed in the matter of removal of encroachments, if any, and the respondents cannot take such an extreme step, without even considering the explanation of the

petitioner.

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Learned Standing Counsel for the 4<sup>th</sup> respondent-Gram Panchayat  
does not dispute the fact that no notice was issued,  
prior to the impugned proceedings are served on the petitioner.

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Having regard to the said submissions made by the learned  
counsel, the impugned notice dated 16-03-2015, issued by the  
4<sup>th</sup> respondent is set aside, and the writ petition is allowed.

The 4<sup>th</sup> respondent is directed to issue fresh notice to the petitioner,  
incorporating the details of reasons for holding that he is in unauthorised  
occupation of about 4 cents of land. After receipt of such notice, the  
petitioner shall submit his explanation within a period of three weeks. He  
is also entitled to submit the relevant documents

in support of his claim. On receipt of such explanation,

the 4<sup>th</sup> respondent shall fix a date of personal hearing; consider the  
explanation as well as the submissions made by the petitioner, and pass  
appropriate orders in accordance with law. The petitioner shall cooperate  
with the enquiry and appear on the date fixed by the

4<sup>th</sup> respondent. If the petitioner does not cooperate in the enquiry and  
does not appear on the date so fixed for his personal hearing,

it is open to the 4<sup>th</sup> respondent to pass orders in accordance with law.

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The miscellaneous petitions, if any, filed in the writ petition shall  
also stand disposed of. There shall be no order as to costs.

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**P. NAVEEN RAO, J.**

**Dt.16-06-2015.**

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