

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH**

WRIT PETITION NO.25279 of 2015

Between :

C. Srinath Reddy, S/o.Late C.Narsimha Reddy,
Aged 50 yrs, Occu : Agriculture, R/o.Mutpur Village,
Kondurg Mandal, Mahaboobnagar District. & others.

.. Petitioners

and

The State of Telangana
Rep., by its Principal Secretary,
Panchayat Raj Department,
Secretariat Buildings, Hyderabad & others.

.. Respondents

DATE OF JUDGMENT PRONOUNCED : 12.08.2015

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SUBMITTED FOR APPROVAL:

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THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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1. Whether Reporters of Local Newspapers : Yes / No
may be allowed to see the Judgments ?

2. Whether the copies of judgment may be : Yes / No
marked to Law Reporters/Journals

3. Whether Their Lordship wish to : Yes / No
see the fair copy of the Judgment ?

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.25279 of 2015

ORDER :

The petitioners claim to be the owners of house bearing D.Nos.6-44, 6-45, 6-46 respectively, each having an extent of 311 Square yards in which houses to an extent of 57 Square yards was constructed. The petitioners challenge the proceedings of the District Panchayat Officer (3rd respondent), dated 05.08.2015 and consequent notice of the Panchayat Secretary (4th respondent) dated 07.08.2015. The impugned proceedings were issued alleging that the petitioners have constructed compound wall recently and alleging that the petitioners have blocked the existing cement road, wherein a water pipe line is also laid and the verification of the records would disclose that there was no proper permission obtained for such construction. Having regard to the report submitted by the Divisional Panchayat Officer, orders are passed and the 4th respondent was directed to take consequential action. In terms of the said order of the 3rd respondent, the 4th respondent issued notices asking the petitioners to remove the compound wall standing in front of their residential houses.

2. As seen from the order impugned in the writ petition, it appears that no prior notice was issued to the petitioners calling upon their explanations. The order refers to certain report submitted by the Divisional Panchayat Officer. Neither the petitioners were put on notice, nor the report of the Divisional Panchayat Officer was furnished. It appears that the petitioners did not participate when the report was drawn by the Divisional Panchayat Officer. Thus, straight away order is passed holding that the petitioners are in illegal occupation and directing them to remove the compound wall

constructed. The order impugned has civil and evil consequences and no such order can be passed without putting the affected parties on notice and affording due opportunity and therefore, the order is not sustainable.

3. At this stage, learned Assistant Government Pleader suggests that the order of the 3rd respondent dated 05.08.2015 be treated as a show cause notice and if the petitioners submit their explanations the same would be considered by the 3rd respondent.

4. Having regard to the said submission, the Writ Petition is disposed of, directing the 3rd respondent to treat the proceedings dated 05.08.2015 as show cause notice and within one week from the date of receipt of copy of order, furnish relevant documents to the petitioners, based on which such proceedings were issued. On receipt of the documents, the petitioners shall submit their explanations within two weeks thereafter by enclosing all the relevant documents in support of their claim. After receipt of the explanations, the 3rd respondent shall consider the same and pass appropriate orders as warranted by law, within a further period of four weeks. Until the orders are passed as directed above, no coercive steps shall be taken against the petitioners. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

P.NAVEEN RAO,J

12th August, 2015.
Rds