

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

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WRIT PETITION No. 22335 of 2015

Between:

Tayappa

... Petitioner

and

The State of Andhra Pradesh and others.

... Respondents

DATE OF JUDGMENT PRONOUNCED: **20.07.2015**

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 may be allowed to see the Judgments? | Yes/No |
| 2. Whether the copies of judgment may be marked to Law Reporters/Journals? | Yes/No |
| 3. Whether his Lordship wish to see the fair copy of the Judgment? | Yes/No |

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THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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ORDER:

Petitioner claims to be a resident of Dodi Village, Kosigi Mandal, Kurnool District. In the year 2012 Government granted house patta in his favour vide proceedings Rc.B.503/01, dated 05.01.2012. On such allotment, the petitioner is in peaceful possession and enjoyment of the same by constructing fencing around the open site and a thatched hut. While so on 24.06.2015, on behalf of the Gram Panchayat, notice was issued directing the petitioner to remove the illegal encroachments on the Gram Panchayat land. Aggrieved thereby, this Writ Petition is filed.

2. Learned counsel for the petitioner submits that the petitioner was sanctioned house site patta by the competent authority and since then he is in occupation and enjoyment of the same and he is not in illegal occupation of Gram Panchayat land. He further submits that though notice was issued on 24.06.2015 no reasons and details are mentioned and that no prior opportunity was given before issuing the notice directing the petitioner to vacate the Gram Panchayat land.

3. Learned Standing Counsel submits that though the matter was earlier adjourned for obtaining instructions, he could not obtain instructions.

4. It is not in dispute that the impugned notice does not contain the essential details and there is no reference to the effect that the petitioner was given opportunity of hearing before issuing the said notice.

5. A bare perusal of the impugned notice would go to show that it does not contain the details of the land, in which the petitioner is

in illegal occupation and the said land belongs to the Gram Panchayat. Admittedly, house plot was assigned to the petitioner in the year 2012. Under the guise of said assignment, whether the petitioner is in illegal occupation of land belonging to the Gram Panchayat or not is required to be specifically stated before taking coercive action against the petitioner. Therefore, the order is not sustainable on the ground of no opportunity of hearing and that it does not contain essential details when order seeks to take coercive action against the petitioner. Hence, the impugned notice is liable to be set aside and accordingly set aside.

6. Accordingly, the Writ Petition is allowed. However, if the Gram Panchayat is of the opinion that the petitioner is in illegal occupation of land belonging to the Gram Panchayat, it is open to the Gram Panchayat to issue fresh notice to the petitioner by giving essential details of the property and take further steps in accordance with law after affording due opportunity to the petitioner to submit explanation to the said notice. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

P.NAVEEN RAO,J

JULY 20, 2015
YVL

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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