

THE HON'BLE SRI JUSTICE RAJA ELANGO

Writ Petition No.22699 of 2006

ORDER :

This writ petition is filed by the petitioner, who claims to be the President of SBI Colony Residents Welfare Association, challenging the Notice dated 18-10-2006 of the 1st respondent, whereby it was informed to the one of the Advocates who represents the society, to hand over the open site in Survey No.435 of Mandagiri Gram Panchayat within ten days, otherwise all the developmental activities would be stopped.

2. It is the case of the petitioner that after filing of the Writ Petition, this Court has granted interim stay of all the proceedings pursuant to impugned Notice dated 18-10-2006. It is informed by the learned counsel for the petitioner that the Panchayat has already constructed the Police Station in a different place in the same Gram Panchayat. The learned counsel for the 2nd Respondent - District Panchayat Officer could not able to get any instructions in that connection.

3 . Considering the submissions made by the counsel for the petitioner and also the fact that already interim stay is there in favour of the petitioner, this Court is of the view that the Writ Petition can be disposed of with the following observations :

4. If the Panchayat Secretary, Mandagiri, Adoni, intends to use the said site in Survey No.435, he should issue a show cause notice to the petitioner-association informing his intention to acquire the same for any construction purpose and after affording an opportunity of being heard to the petitioner-association, the Panchayat Secretary can proceed with the matter in accordance with law.

5. With the above observations, the Writ Petition is disposed of.

No order as to costs. As a sequel, miscellaneous petitions pending,

if any, in this Writ Petition are closed.

JUSTICE RAJA ELANGO

18th March, 2015

skmr