

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No.27036 OF 2015

ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for Revenue appearing for the respondents.

The petitioner, who claims to be the owner of Ac.0.21 guntas of land in Survey No.1378 of Bheemaram Village, Medipally Mandal, Karimnagar District, stated to have taken up construction in an extent of Ac.0.02 guntas as per the permission of the Gram Panchayat Bheemaram, dated 19.01.2015. He stated to have raised pillars in the said land, but the Tahsildar, Medipally Mandal, Karimnagar District, the 4th respondent, issued a notice, dated 14.08.2015, to the petitioner calling upon him to show cause as to why illegal construction should not be stopped claiming that the said land is a Government land. The petitioner states that he has engaged a counsel to appear before the 4th respondent on 21.08.2015 and he filed his Vakalat and sought time for filing counter. While the said matter is pending with the 4th respondent, he along with his staff came to the subject land and dismantled the pillars erected by the petitioner on 22.08.2015 without even awaiting for the petitioner to submit his explanation/counter and without passing any further orders. The said action of the 4th respondent is questioned in this Writ Petition.

Whether the demolition of pillars was resorted to in the manner alleged and whether the same is as per the sanctioned plan are the issues, which are to be considered after the 4th respondent takes an appropriate decision in pursuance of the notice issued by him. The petitioner was already granted time for filing

counter.

Hence, in my view, it is appropriate to direct the 4th respondent not to take any further coercive steps against the petitioner till he files his explanation/counter. On such explanation/counter being filed by the petitioner, the 4th respondent shall consider the same in accordance with law and pass appropriate orders.

Subject to the above, the Writ Petition is disposed of. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

VILAS V.AFZULPURKAR, J

25.08.2015

Note:- Furnish C.C. in three days.

(B/o)

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