

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

Writ Petition No. 2753 of 2012

ORDER :

It is the case of the petitioner that he is the absolute owner and possessor of the house in plot admeasuring 100 sq.yds in Block No.1, situated at Kolanpak village, Alair Mandal, Nalgonda District and that originally the house plot is part of Grama Kantam Land, Gram Panchayat, Kolanpak village. During the year 2006, he made an application with Gram Panchayath for allotment of land to construct house. The Gram Panchayath had accorded permission for construction of house in said plot vide letter No. 109/GPK/06, date 07.07.2006 within 12 months from the date of said letter. The petitioner could not construct the same within the said period due to financial crises. The petitioner obtained financial assistance to construct house through 'Indiramma Ellu' scheme. The petitioner had completed the major portion of house and started residing there during the year 2009. When the ex-sarpanch Mr. Mothkur Ilaiah had interfered into the peaceful possession enjoyment of the petitioner over the said property, the petitioner filed O.S.No.69 of 2007 on the file of the Principal Junior Civil Judge, at Bhongir and the same was decreed in favor of the petitioner on 18.06.2007. In spite of the same, the 6th respondent had issued impugned notice stating that without obtaining permission, the petitioner has been making construction and asked the petitioner to stop the construction. Aggrieved by the same, the present writ petition is filed.

2. Counter affidavit is filed by the 6th respondent stating that the permission granted by the Sarpanch is without verifying the ownership particulars of the subject property. It is alleged that the land belongs to the Gram Panchayat. Basing on the permission granted to the petitioner, the suit was decreed in favour of the petitioner. The Panchayath Secretary, Kolanpaka was directed to take necessary action for unauthorized construction of the petitioner as per the Rules issued in G.O.Ms.No.67, dated 26.02.2002 by the District Panchayat Officer.

3. Heard Sri Rajashekar Thalapally, learned counsel for the petitioner, learned Government Pleader for Panchayat Raj appearing for respondents 1 and 4, Sri G.Narender Reddy, learned Standing Counsel for the 6th respondent.

4. Admittedly, no prior notice was issued to the petitioner before issuing impugned notice bearing No.84/2011, dated 31.12.2011 by the 6th respondent. This Court, by order dated 06.02.2012 in W.P.M.P.No.3442 of 2012 granted *status quo* as on 06.02.2012. It is stated by the learned counsel for the petitioner that by the time of issuing impugned notice to the petitioner for stopping the construction, the entire construction had been completed and same is disputed by the learned Standing

Counsel for the 6th respondent.

In view of the above, since it is alleged by the learned counsel for the petitioner that the 6th respondent has to consider this aspect, without going into the merits of the case, the impugned notice dated 31.12.2011 issued to the petitioner shall be treated as show-cause notice and the petitioner is permitted to file explanation to the same within a period of four (4) weeks from today. Thereafter, the 6th respondent may consider the explanation of the petitioner and take a decision in accordance with law. Till then *status quo* as ordered by this Court on 06.02.2012 will continue. If the petitioner fails to file explanation to the show-cause notice within the aforementioned period, it is for the 6th respondent to take appropriate action in accordance with law.

With the above direction, this writ petition is disposed of. There shall be no order as to costs. As a sequel thereto, miscellaneous applications, if any pending in this Writ Petition, shall stand dismissed.

08.09.2015.
KVS

A.RAJASHEKER REDDY, J

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

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