

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.No.22786 of 2015

ORDER:

This writ petition is filed under Article 226 of the Constitution of India, with the following prayer:

“To issue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, to declare the impugned Notice issued by the 3rd respondent dt. 17.7.2015 threatening to demolish the structures situated adjacent to the Panchayat Office in Sy.No. 121 situated at Allurivaripalem village, Narsaraopeta Mandal, Guntur District under the guise of road widening alleging that the structures raised by the petitioner are in Sy.No. 122, without issuing any prior notice and without following the due process of Law, as being illegal, arbitrary and unjust and consequently set aside the same”.

2. Heard the learned counsel for the petitioner and the learned Govt Pleader appearing for Respondents, apart from perusing the material available on record.

3. The petitioner claims to be the absolute owner and possessor of house site admeasuring 60.5 sq.yards situated in Sy.No.121 situated at Allurivaripalem village, Narsaraopet mandal, Guntur district, having purchased the same from Bhavanam Tirupathi Reddy by virtue of registered sale deed bearing Doc.No.1313 of 2013 dated 11.2.2013.

4. According to the petitioner, she constructed five small shops and eking out livelihood by running fancy and rice shop and except the said shops, petitioner does not have any other source of income. The 3rd respondent issued the impugned notice dated 17.7.2015, asking the petitioner's husband to remove the structures. It is the case of the petitioner that she is the owner, but not her husband. It is also the case of the petitioner that the 3rd respondent issued the said notice without following the procedure contemplated under law.

5. The learned Government Pleader fairly stated that the impugned notice may be permitted to be treated as show cause notice and opportunity may be given to the petitioner.

6. For the aforesaid reasons, the writ petition is disposed of, permitting the petitioner to submit explanation by treating the impugned notice as show cause notice within a period of two weeks from the date of receipt of this order and if any such explanation is made within the time stipulated, the same may be considered and appropriate orders be passed. Till such exercise is undertaken, no coercive action shall be taken by the 3rd respondent pursuant to the impugned notice. As a sequel, the miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

A.V.SESHA SAI, J

Date: 22.7.2014

Note:

Issue C.C. tomorrow.

B/o

DA

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.No.22786 of 2015

22.7.2014

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

W.P.No.22786 of 2015

Between:

Bhavanam Nagendram

.. Petitioner

And

State of Andhra Pradesh, rep. by its
Principal Secretary, R & B Department,
Secretariat, Hyderabad & others.

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 22.7.2014

SUBMITTED FOR APPROVAL

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

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| 1. | Whether the 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 their Ladyship/Lordship wish to see the fair copy of the judgment? | Yes/No |