

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

**WEDNESDAY, THE SIXTEENTH DAY OF SEPTEMBER TWO
THOUSAND AND FIFTEEN**

–
Present

HON'BLE SRI JUSTICE P.NAVEEN RAO

–
WRIT PETITION No.30117 of 2015

Between:

G. Pramod Reddy,
S/o. G. Damodar Reddy,
Aged 40 years, Occ: Business,
R/o. H.No.1-7-2, Zirayathnagar, Armoor,
Nizamabad District.

.. Petitioner

AND

The State of Telangana,
Rep. by its Secretary,
Department of Panchayat Raj and
Rural Development,
Secretariat, Hyderabad & another

.. Respondents

The Court made the following:

–
–
–
–
–
–
–
–
–

-

-

HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.30117 of 2015

-

ORDER:

The petitioner challenges the proceedings, dated 08.09.2015, wherein he was directed to remove the illegal constructions made within 15 days and if not removed, the constructions would be treated as illegal and action would be initiated. The petitioner challenges the said order on various grounds including that he was not given any prior notice and opportunity before holding that he has made illegal construction without leaving setbacks and without provision of parking place and construction of shops.

2. *Prima facie*, from reading of the order impugned, it does not show that a notice was issued to the petitioner calling for his explanation and after issuance of such notice only, the order is passed. The order straight away holds the petitioner as making illegal construction and directs him to remove the constructions made. Thus, as the order is not preceded by any opportunity to the petitioner, more so, when it has got civil and evil consequences, the same is not sustainable and is liable to be declared as illegal.

3. Having regard to the peculiar facts of this case, the Writ Petition is disposed of directing the 2nd respondent Gram Panchayat to treat the proceedings, dated 08.09.2015, as show cause notice and the petitioner shall submit his

explanation within a period of two (2) weeks from the date of receipt of copy of this order. If any such explanation is filed by the petitioner within the time granted, the 2nd respondent Gram Panchayat shall consider and pass appropriate orders, as warranted by law. If no explanation is submitted within the time granted, it is open to the 2nd respondent Gram Panchayat to proceed further as per the impugned proceedings. Till the final orders are passed, no coercive steps shall be taken against the petitioner. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

P.NAVEEN RAO, J

Date: 16th September, 2015

KL



HON'BLE SRI JUSTICE P.NAVEEN RAO

KL