

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.27810 of 2015

ORDER:

Heard.

The petitioner states that he is in possession and enjoyment of the land admeasuring Ac.5-25 cents in Sy.Nos.178/1, 180/9, 180/10, 180/11, 180/13 and 179/3 situated at Lakshmipuram Village, Challapalli Mandal, Krishna District. The petitioner states that he has established a Poultry Farm, after obtaining approval from the Gram Panchayat in the year 1994 and thereafter, the building plan was also approved. The petitioner is aggrieved by the order, dated 13-08-2015 issued by the 4th respondent, though it is styled as a notice, directed the petitioner to remove the poultry shed as per the order of the Hon'ble Lokayukta, Hyderabad, dated 11-07-2015, referred to in the said order. The said notice, which is in the nature of order of removal, was issued on the ground that the petitioner's poultry farm is in Sy.No.178/2, which is a drainage poramboke.

The petitioner disputes that he has no concern with the said Sy.No.178/2 and also questions the said impugned proceedings on the ground that there was no prior notice and no opportunity to file explanation and straightaway the order of removal is passed, on the basis of the orders of the Hon'ble Lokayuktha. The copy of the order of the Lokayuktha, dated 06-07-2015, is produced at page No.28 of the writ petition, wherein eviction of encroachers was ordered in Sy.No.178/2 and directed the Assistant Executive Engineer, Special Drainage Sub-Division, Challapalli, to file compliance report.

Firstly, it is difficult to appreciate as to the jurisdiction exercised by the Lokayuktha in a matter of this nature and secondly, even assuming that the said order is justified, the 4th respondent has to follow the due procedure under law and has to call upon the petitioner to show cause against the proposed action, consider his explanation and then pass appropriate orders. Instead, the impugned proceedings show that straight way an order of

removal is passed. When the petitioner's specific case is that he is no way concerned with Sy.No.178/2, the same has to be appreciated by the 4th respondent and as such, the impugned proceedings are set aside and the 4th respondent, however, is at liberty to follow the due procedure of law, as mentioned above, and then take appropriate action, if warranted against the petitioner.

Accordingly, the writ petition is allowed. No costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

VILAS V.AFZULPURKAR, J

Date: 31-08-2015

Prv

