

HONOURABLE SRI JUSTICE P. NAVEEN RAO

Writ Petition No.25974 of 2015

ORDER :

The petitioner claims to be in possession of land to an extent of 12 cents in Sy.No.24 of Porumamilla Village and Mandal, Y.S.R. Kadapa District. After obtaining due permission, the petitioner claims to have constructed a small shed and is operating poultry farm from the said premises. While so, he was served with notice dated 14-08-2015 stating that he has given a wrong declaration for obtaining permission to construct a shed and on verification of the revenue records, it was noticed that it was a land classified as poramboke and therefore the petitioner was directed to remove the shed constructed, otherwise appropriate action would be taken.

2. Apart from other contentions, the learned counsel for the petitioner specifically urged that the impugned notice was not preceded by notice and opportunity to explain the stand of the petitioner and straightaway the order is passed.

3. As seen from the notice impugned, the petitioner obtained permission to construct the shed. Whether the petitioner has misrepresented the true facts or suppressed the true facts and obtained permission to construct the

shed can be gone into only after putting the petitioner on notice calling for his explanation and to furnish relevant documents on which reliance is placed, whereas in the instant case, no such procedure is followed and hence the impugned notice is liable to be set aside on that ground alone.

4. The learned Standing Counsel fairly submits that the notice shall be treated as a show cause notice and if the petitioner submits any explanation to the show cause notice, the same shall be considered by the Grampanchayat and pass appropriate orders.

5. Having regard to the same, the Writ Petition is disposed of directing the Respondent – Grampanchayat to treat the proceedings in R.S.No.32/2015, dated 14-08-2015 as show cause notice. The petitioner shall submit his explanation within a period of two weeks from today and on receipt of such explanation, the Respondent – Grampanchayat shall consider the same and pass appropriate orders as warranted by law. Till such orders are passed, the Respondents shall not take any coercive steps against the petitioner. If the petitioner does not submit his explanation within a period of two weeks from today, it is open to the Respondent – Grampanchayat to proceed with the matter and pass final orders.

6. Consequently, Miscellaneous Petitions, if any, pending in this Writ Petition, shall stand dismissed. There

shall be no order as to costs.

P. NAVEEN RAO, J.

August 17, 2015.

skmr