

HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.29853 of 2015

Date: 14.09.2015

Between:

Smt Ila Vanajakshi, W/o Manikya Rao,
Aged about 37 years, Occu: Housewife,
r/o.S.C.Colony, Pedanandipadu village
and mandal, Guntur District.

.... Petitioner

AND

The State of Andhra Pradesh, rep. by its Principal
Secretary, Panchayat Raj Department, Secretariat,
Hyderabad and others.

.... Respondents

This Court made the following:

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.29853 OF 2015

ORDER:

Petitioner claims to be the owner of the property to an extent of 72 square yards in Sy.No.127/2 of Pedanandipadu Village and Mandal, Guntur District. By notice impugned in this writ petition dated 03.08.2015, petitioner was informed that since suit filed by her was dismissed, she was asked to explain as to why action should not be taken for eviction of petitioner from the property in Sy.No.127/2 of Pedanandipadu village. Petitioner challenges this notice on the ground that matter is now pending before the Revenue authorities and the Revenue Divisional Officer passed orders in her favour on 05.07.2010 staying the proceedings with reference to the Possession Certificate.

2. As seen from the notice, the notice was issued based on the decree passed by the Principal Junior Civil Judge, Bapatla, in O.S.No.101 of 2010. Petitioner herein is the plaintiff and the respondent-Gram Panchayat is the defendant in the said suit. The said suit filed for permanent injunction restraining the defendant from interfering with the peaceful possession and enjoyment of suit schedule property was dismissed on 26.04.2013. Referring to the said decree, the notice was issued. It is not the case where the Gram Panchayat is not competent to issue such notice and notice is issued contrary to the decree passed by the competent Court. Thus, petitioner ought to have filed her explanation. It is

for the petitioner to take whatever the stand in her defence and on filing of such explanation, it is for the Gram Panchayat to take appropriate decision as warranted by law. Since the show-cause notice issued is not vitiated on ground of lack of jurisdiction and competence, I am not inclined to entertain the writ petition and grant the relief as prayed for at this stage. Thus, the writ petition is dismissed, leaving it open to the petitioner to file her explanation to the impugned show-cause notice.

Miscellaneous petitions if any pending in this writ petition shall stand closed. There shall be no order as to costs.

JUSTICE P.NAVEEN RAO

Date: 14.09.2015
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Oval:

HON'BLE SRI JUSTICE P.NAVEEN RAO

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