

HON'BLE SRI JUSTICE S.V.BHATT

W.P.No.43113 OF 2016

ORDER:

Heard Sri P.Ananth Nageswara Rao for petitioner, Assistant Government Pleader (Panchayat Raj) for respondents 1 and 3, Assistant Government Pleader (Revenue) for respondents 2 and 4 and Sri G.Narender Reddy, Standing Counsel for respondent No.5

The petitioner challenges communication/notice dated 03.12.2016, as illegal, arbitrary and violative of principles of natural justice.

The case of petitioner is that he is the absolute owner and possessor of the house bearing No.3-115 and the house is assessed to tax by the Gram Panchayat. The communication/notice impugned in the writ petition is straightaway issued without affording opportunity to petitioner and the communication/notice is liable to be set aside.

Sri G.Narender Reddy representing respondent No.5 after considering carefully the tenor of communication dated 03.12.2016 submits that the apprehension voiced by the petitioner that a decision for all purposes is taken without affording opportunity to petitioner and communicated cannot be disputed. He further submits that the Communication/Notice impugned in the writ petition can be treated as show-cause notice and the petitioner can be given liberty to submit explanation and the authorities will decide the matter in accordance with law.

The statement is placed on record.

The respondents are acting presumably on the communication said to have been given by the Tahsildar, Tekumatla Mandal.

To ensure fairness in action, respondent No.5 is directed to issue copy of communication dated 17.08.2016 within one week from the date of receipt of a copy of this order and the petitioner is given three weeks time thereafter to submit his explanation and also given liberty to work out remedies against Communication dated 17.08.2016. Respondent No.5 is directed to examine the explanation of petitioner and pass orders in accordance with law. The parties are directed to maintain *status quo* as regards possession and structures at subject site for a period of twelve (12) weeks from today.

The writ petition is disposed of accordingly. No order as to costs.

Miscellaneous petitions, if any, pending, shall stand closed.

09th December, 2016

Lrkm

S.V.BHATT, J