

HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 5329 of 2016

ORDER:

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Heard learned counsel for the petitioners, learned Government Pleader for Panchayatraj appearing for respondents 1 to 3 and Sri G. Narender Reddy, learned Standing Counsel appearing for respondent Nos.4 and 5.

The Notice dated 02.02.2016 issued by the fifth respondent-Gram Panchayat directing the petitioner to remove the constructions made in house property situated in D.No.4-53 of Chinta Nekkonda Village, for the purpose of extension of the existing road, is challenged before this Court.

A perusal of the impugned notice issued by the fifth respondent-Gram Panchayat, reveals that as per the G.O.No.67 PR&RD (Pts)-iv-DEP., dated 26.02.2002, the Government proposed to extend the existing main road of Chinta Nekkonda Village to 33 feet road. The fifth respondent-Grampanchayat in its meeting resolved for widening the main road of the village. Since the house property of the petitioner is causing obstruction for widening the BT road, the impugned notice has been issued to the petitioner to remove the same.

The impugned notice issued directing the petitioner to remove the constructions virtually amounts to 'an order', which was passed without prior notice to the petitioner. However, as the Gram Panchayat is vested with power conferred under Section 98 of the Panchayat Raj Act, 1994, the impugned communication shall be treated as show cause notice and the petitioner is at liberty to submit his explanation within two weeks from today. If such explanation is filed, the fifth respondent-Gram Panchayat shall consider the same and pass appropriate orders in terms of Section 98 of the Panchayat Raj Act, 1994. Till the orders are passed by the fifth respondent, there shall not be any interference with the house property of the petitioner.

Subject to the above, the Writ Petition is disposed of. Miscellaneous

petitions pending consideration, if any, in the Writ Petition shall stand closed in consequence. There shall be no order as to costs.

JUSTICE CHALLA KODANDA RAM

DATED: 19th February, 2016.

Note: Issue C.C. in one day.

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