

HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 8549 of 2016

DATED 16th MARCH, 2016

BETWEEN

Batnapadu Renamma

...Petitioner

And

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

..Respondents.

HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 8549 of 2016.

ORDER:

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The action of respondents in directing the petitioner to remove the shop erected in the Gram Panchyat land is challenged in the present Writ Petition.

Heard learned Counsel for the petitioner, learned Government Pleader for Panchayat Raj appearing for the first respondent, Sri G.Seshadri, learned Standing Counsel appearing for the second respondent and learned Government Pleader for Revenue appearing for the third respondent.

The material placed on record would show that the petitioner was given permission to erect temporary shed with measurement of 8" x 8" in the land of Grampanchayat at 13th

Block near Water Tank. Now, notice dated 5.3.2016 has been issued to the petitioner to remove the said construction within four days. It is the case of the petitioner that giving four days' time for removal of the shop is unreasonable and that the respondents ought to have provided adequate opportunity to submit his detailed explanation to the said notice. It is the further case of the petitioner that inasmuch as permission was given to construct a shop in the land belonging to Grampanchayat, he has right to continue shop in the said land.

Having regard to the facts and circumstances of the case, the Writ Petition is disposed of giving liberty to the petitioner to file his objections to the notice dated 5.3.2016 within a period of two weeks from the date of receipt of a copy of this order and thereafter the respondent authorities shall pass appropriate orders after considering the explanation submitted by the petitioner. The petitioner, if so chooses, shall be given opportunity to make his submissions either by person or through Advocate. Till the orders are passed by the respondents in exercise of powers under Section 198 of the Panchayat Raj Act, possession and enjoyment of the petitioner over the shop in question shall not be interfered with.

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. No order as to costs.

JUSTICE CHALLA KODANDA RAM

DATED 16TH MARCH, 2016.

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