

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.39727 of 2016

ORDER:

Heard Mr.T.S.Praveen Kumar for petitioner, Government Pleader for Panchayat Raj & Rural Development for respondent Nos.1 and 2 and Mr.Narender Reddy, for respondent No.3.

The petitioner challenges notice, dated 10.10.2016, which reads thus:

“GRAM PANCHAYAT ; SIVUNIPALLI

Mandal: Ghanapuram (Station), Dist: Warangal

No.60/GPS/20016

Dated 10.10.2016

NOTICE

Sub: On the complaint filed by Katakam Buchi Lingam, S/o.Chandraiah R/o. Sivunipalli Village, Station Ghanapur-regarding enquiry conducted and report submitted –relating to permission sanctioned for house construction-withdrawal of permission-reg.

Ref: District Panchayat Officer's letter No.3218/2013/A4, dated 08.10.2016.

Smt.Neela Yada Laxmi W/o.Lingam @ Venkateswarlu is hereby ordered that the District Panchayat Officer, Warangal has withdrawn the permission letter for unauthorized construction of house bearing No.2-35/40 and 2-35/34/1 in Survey No.257/C and Survey No.257/D earlier granted by the ex Panchayat Secretary vide letter under reference.

Therefore, you should remove the construction made illegally within 7 days from the date of receipt of this notice. Thereafter action will be taken as per the Telangana Gram Panchayat Raj Act.

Sd/- Panchayat Secretary
Sivunipalli

To
Smt.Neela Yada Lakshmi W/o. Lingam, Sivunipalli”

The complaint of petitioner is that the notice impugned in the writ petition is an offshoot of communication of District Panchayat Officer, dated 08.09.2016. The petitioner was not communicated order or letter by the District Panchayat Officer and respondent No.3 issued the impugned notice which is more in the nature of executing the decision of the District Panchayat Officer. The instant decision as well does not afford opportunity to the petitioner. Hence, the writ petition.

Learned Standing Counsel for respondent No.3 submits that the notice impugned in the writ petition is issued to implement the communication, dated 08.09.2016, and there is nothing on record to show that the petitioner is in know of communication, dated 08.09.2016 or at least before directing demolition, the petitioner was put on notice.

Having regard to admitted omissions of procedure noted above, I am satisfied, to meet the ends of justice, the writ `petition can be disposed of by this order:

- (a) respondent No.3 is directed to serve communication received from respondent No.2 to petitioner within two weeks from today;
- (b) the petitioner is given liberty of submitting explanation within a further period of two weeks thereafter. Alternatively, the petitioner is also given liberty to challenge the legality of communication

dated, 08.09.2016, in a properly instituted petition or proceeding;

- (c) respondent No.3 is directed to maintain *status quo* vis-à-vis subject structures for a period of four weeks from today.

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

S. V. BHATT, J

Dt:17.11.2016.
kdl

