

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.44963 of 2016

ORDER:

Heard Mr. Govind Reddy for petitioner, Mr. G. Narender Reddy and the Assistant Government Pleader.

2. Petitioner challenges notice Lr.No.GPS/70/2016 dated 02.10.2016 as arbitrary, illegal and contrary to the mandatory procedure stipulated by the Panchayat Raj Act.

3. Petitioner claims right and title to subject plot through registered sale deed dated 18.09.2015. One of the reasons for filing the writ petition is that the Gram Panchayat/first respondent is proceeding to demolish the structures at petition plot even without making due efforts to consider the source of claim of petitioner, explanation given in this behalf and in such an event, the petitioner will suffer irreparable hardship and injury. Hence, the writ petition.

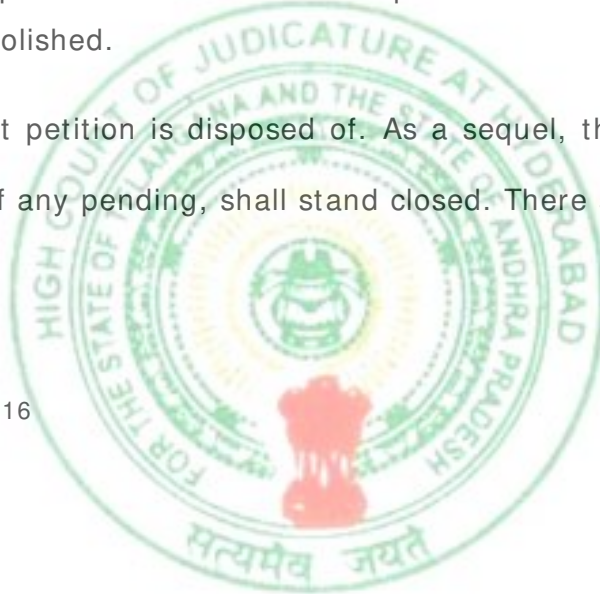
4. Mr. G. Narender Reddy, learned standing counsel, tries to persuade the Court that the challenge to notice dated 02.10.2016 is completely misconceived and that the reliance by petitioner on paper statement issued by the authorities cannot be read in isolation and at any rate, on instructions, he submits that the authorities will consider the explanation, communicate the decision taken in this behalf to petitioner and till a decision is taken and communicated, the demolition complained in the writ petition will not be carried out.

5. The statement is placed on record. I am satisfied, having regard to the respective limited submissions, the writ petition can be disposed of by this order:

1. Petitioner is given liberty to file, if so advised, explanation/additional explanation within fifteen (15) days from today by enclosing copy of this order.
2. The first respondent is directed to consider the explanation and material available on record and as stated by learned standing counsel, proceed in the matter.
3. Till a decision is taken and communicated, the petitioner shall not be dispossessed or structures demolished.

The writ petition is disposed of. As a sequel, the miscellaneous applications, if any pending, shall stand closed. There shall be no order as to costs.

December 22, 2016
DSK



S. V. BHATT, J