

HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.32693 OF 2016

ORDER:

Heard Mr. N.Chanti Babu for petitioner and Mr.G.Seshadri for 3rd respondent.

The petitioner prays for the following relief:

“... WRIT OF MANDAMUS declaring the action of respondents 3 to 5 in insisting the petitioner's to vacate from the petitioner house and site property situated in Ac.0.03 cents in Survey No.9/1 of Goruguntlapadu Revenue village in Tharlupadu Mandal of Prakasam District, pursuant to notice dated 07-04-2016 issued by 3rd respondent, without passing any final order, as illegal, irregular, irrational, without jurisdiction and violative of principles of natural justice and articles 14, 21 and 300-A of Constitution of India and consequently direct the respondents not to interfere in any manner with possession of the petitioner over said property...”

From the prayer, it is evident that the petitioner is primarily aggrieved by the alleged action of respondents 3 to 5 in insisting upon the petitioner to vacate from house bearing No.1-5/C and site situated in Ac.0-03 cents in Survey No.9/1 of Goruguntlapadu Revenue Village, Tharlupadu Mandal, Prakasam District, without passing final order, as illegal, arbitrary and unconstitutional.

In the considered view of this Court, the writ prayer is misconceived. The notice is issued to petitioner and the petitioner, if so advised, ought to have filed reply together with supporting

documents and invited order from 3rd respondent. Instead of doing so the present writ petition is filed by including adjoining vacant site.

Mr. Seshadri representing the 3rd respondent submits that the Gram Panchayat is prepared to consider the explanation submitted by petitioner, communicate the decision within one week from the date of receipt of copy of this order and thereafter proceed to construct the water tank. The statement is placed on record and the writ petition is disposed of accordingly. No order as to costs.

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

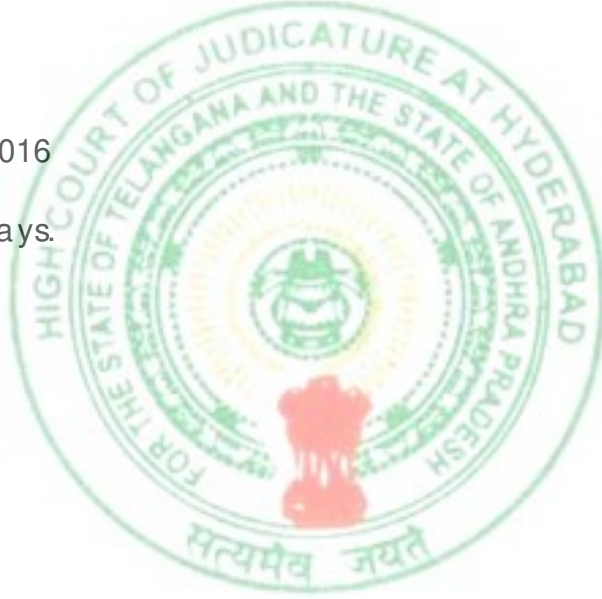
Date: 29-12-2016

Note:

C.C. in two days.

B/o.

Sp



S. V. BHATT, J