

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.37657 of 2016

ORDER:

Heard Mr. G.M. Swamulu for petitioner and Mr. G. Seshadri standing counsel for fourth respondent.

2. Petitioner challenges the notice dated 28.10.2016 issued by the fourth respondent gram panchayat. One of the grievances of petitioner is that the constructions now complained in the show cause notice are not encroachments and to call the constructions as encroachments, the notice ought to have contained sufficient details. Petitioner further submits that the petitioner is prepared to give explanation and the fourth respondent is under legal obligation to consider the explanation and pass orders in accordance with law.

3. Learned standing counsel for fourth respondent submits that the writ petition filed against the show cause notice is not maintainable and the petitioner can be given time to file explanation and along with the explanation ask for all the details the petitioner desires to have and the fourth respondent will strictly consider the case in accordance with the A.P. Panchayat Raj Act and the material available in this behalf.

4. The statement of standing counsel is placed on record and the writ petition is disposed of by this order:

- a) Petitioner is given two (2) weeks time from today to not only submit explanation but also request for details he desires are necessary in this behalf.

- b) The fourth respondent is directed to consider the explanation and the further request of petitioner, proceed in the matter in accordance with law.
- c) Unless and until a decision is taken and communicated to petitioner, the encroachments complained in the show cause notice shall not be demolished or removed by the fourth respondent.
- d) The entire exercise shall be completed within two (2) months from today.

As a sequel, the miscellaneous applications pending, if any, shall stand closed. There shall be no order as to costs.

November 3, 2016
DSK



S. V. BHATT, J