

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.22180 of 2016

ORDER :

The writ petition is filed questioning the proceedings dated 29.06.2016 issued by the Gram Panchayat.

2. It is the case of the petitioner that the petitioner has not occupied any land in Sy.No.10, and in fact, on earlier occasion, when without inquiry, respondents sought to interfere with the peaceful possession and enjoyment and also sought to stop the construction that is being made by the petitioner, petitioner approached this Court by filing W.P.No.18615 of 2016 and this Court disposed of the same on 14.06.2016 restraining the authorities from demolishing the construction made by the petitioner without following due process. In spite of the same, respondent-authorities i.e. the Panchayat Secretary once again had issued impugned notice dated 29.06.2016, and in fact, petitioner had submitted explanation on 01.07.2016 and without considering the same, the respondents are proceeding to demolish the construction. Hence the writ petition.

3. On the other hand, learned Standing Counsel Sri G.Narender Reddy appearing for the Grampanchayat submits that a careful reading of the notice dated 29.06.2016 itself indicates that a notice had been issued to the petitioner on 04.06.2016 and petitioner had submitted explanation on 06.06.2016 and it is only after considering the said explanation, a direction was issued to the petitioner to forbid from making further constructions and remove the encroachments.

4. Having considered the respective submissions and having perused the impugned notice dated 29.06.2016, it is clear that a

notice was issued to the petitioner earlier and petitioner had infact submitted explanation on 06.06.2016 and after considering the explanation, the impugned communication is made, wherein, the Grampanchayat had categorically stated that the petitioner is encroaching on to the HUDA's 30 feet road. As a matter of fact, petitioner had misled in obtaining permission and the present notice only came to be issued as the petitioner had not stopped construction inspite of the earlier notice. However, as the impugned order itself states that three days time is being granted to the petitioner to submit explanation as to why the construction made without permission cannot be removed and considering the fact that petitioner had submitted explanation on 01.07.2016, the writ petition is disposed of with a direction to the 3rd respondent to consider the explanation submitted by the petitioner on 01.07.2016 and take necessary action for removing the encroachments and illegal constructions made, if any.

5. Subject to the above, the writ petition is disposed of. No costs. As a sequel, pending miscellaneous applications, if any, shall stand closed.

CHALLA KODANDA RAM, J

12th July 2016

ajr