

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.31743 of 2016

ORDER:

Heard learned counsel appearing for parties. The petitioner challenges notice dated 08-09-2016 on various factual and legal grounds.

On 20-09-2016, this court has granted stay of all proceedings, pursuant to notice dated 08-09-2016.

The 5<sup>th</sup> respondent has filed petition to vacate the interim order.

The 4<sup>th</sup> respondent filed counter affidavit opposing the consideration of writ prayer at this stage of the matter.

I have perused the material available on record and one aspect of the objection raised by the petitioner namely that without putting the petitioner on notice of all the objections, secondly without conducting proper enquiry in determining the exact deviations, a notice for demolition is directly issued by the 4<sup>th</sup> respondent Gram Panchayat.

Learned Standing Counsel to ensure fairness in action and also to act on the complaint given by 5<sup>th</sup> respondent submits that the notice impugned in the writ petition can be treated as a show-cause notice, the petitioner can be given 15 days time from today to submit explanation and the 4<sup>th</sup> respondent Gram Panchayat will consider and pass appropriate orders, if necessary, after conducting enquiry in this behalf.

The statement is placed on record.

Without going into the merits, the writ petition is disposed of by this order.

The petitioner by enclosing a copy of this order within 15 days from today submits explanation to 4<sup>th</sup> respondent. The petitioner is further directed not to undertake further constructions at subject property till a decision is taken and finalized. To avoid further deliberation on this aspect, the petitioner is directed to file photographs of existing structures before 4<sup>th</sup> respondent within three days from today. The 4<sup>th</sup> respondent, it is needless to observe, conducts enquiry as is required in this behalf and takes a decision objectively. Till a decision is taken and communicated, the demolition or dispossession of petitioner is stayed.

The writ petition is disposed of accordingly. No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

Date: 26-10-2016  
Prv

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S.V. BHATT, J

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Dated 26-10-2016

Prv