

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.46659 of 2016

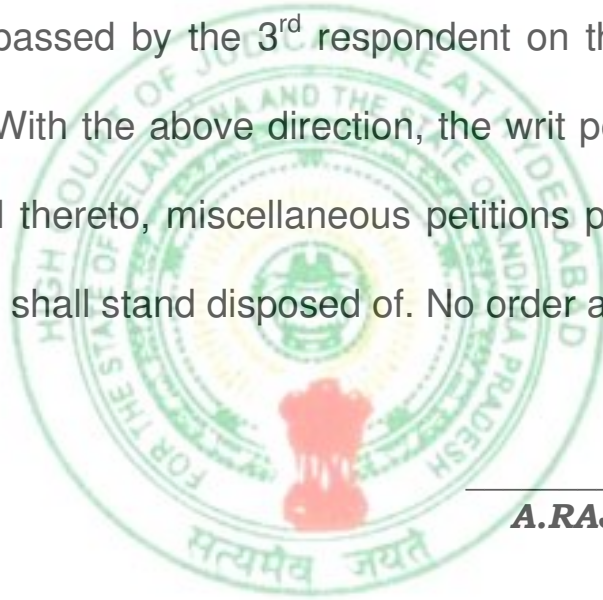
ORDER:

The case of the petitioner is that he is the absolute owner and possessor of the land to an extent of Ac.0-02 cents in RS No.1569 of Survepalli Bit-II Village, Venkatachalem Mandal, SPSR Nellore District, and while he was trying to make construction over it, the 3rd respondent issued notice dated 26-12-2016 directing him to vacate and demolish the construction made on the said land. It is stated that the petitioner has submitted his explanation to the notice dated 26-12-2016 issued by the 3rd respondent.

Grievance of the petitioner is that pending consideration of the explanation submitted by him, he is being orally asked to vacate and demolish the construction of shop that is being built by him in the subject land by the 3rd respondent. Hence, this writ petition.

Learned counsel for the petitioner submits that the impugned notice does not refer to any provision of law under which the notice is issued though, the petitioner is neither an encroacher nor an unauthorized occupant of any Government land or Gram Panchayat land. On the other hand, learned Asst. Government for Panchayat Raj submitted that earlier also the petitioner was issued with notice 27-09-2016 for the same reason of making unauthorized construction, which is again followed by the impugned notice dated 27-12-2016 and the explanation filed by the petitioner is under consideration by the 3rd respondent.

3. Inasmuch as the grievance of the petitioner is only with regard non-considering of the explanation submitted to the notice dated 27-12-2016 and without considering his explanation, the respondents are resorting to evict him without following the due process of law, suffice it to direct the 3rd respondent to consider the explanation said to have filed the petitioner to the notice dated 27-12-2016, and pass orders thereon in accordance with law. There shall be stay of demolition of the house in question of the petitioner till appropriate orders are passed by the 3rd respondent on the explanation of the petitioner. With the above direction, the writ petition is disposed of. As a sequel thereto, miscellaneous petitions pending if any in this writ petition, shall stand disposed of. No order as to costs.



A.RAJASHEKER REDDY,J

Dated: 30-12-2016
NRG

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY



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