

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.42329 OF 2016

DATED : 07.12.2016

Between :

Chimata Brahmaramba, W/o./Vishnuvardhan Rao,
Aged about 60 yrs, R/o.No.1-17,
Ramnagar, Nidamanuru, Krishna District.

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Petitioner

And

The State of Andhra Pradesh,
Rep., by its Principal Secretary,
Municipal Administration & Urban Development Department,
Secretariat, Hyderabad, & others.

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Respondents



This court made the following :

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ORDER :

Heard learned counsel for the petitioner and learned Standing counsel for the 2nd respondent.

2. Petitioner challenges the notice dated 14.09.2016 issued by the Nidamanuru Gram Panchayat (3rd respondent). According to learned counsel for the petitioner, petitioner has obtained building permission from the Gram Panchayat and has undertaken construction in accordance with the said building permission. While so, the impugned order alleges that without building permission, construction was made. He would therefore submit that no prior notice or opportunity was accorded to the petitioner before making such an allegation directing the petitioner to remove the alleged unauthorized constructions made.

3. When pointed out by this Court, learned counsel for the petitioner would fairly submit that the petitioner did not submit any explanation or representation in response to the said notice and that she would submit the explanation by 08.12.2016.

4. A reading of the notice would show that no prior notice was served on the petitioner alleging the said illegal constructions made by her. Since the order has severe civil and evil consequences, no such order could have been made without first affording due opportunity to the petitioner.

5. Having regard to these facts and in order to accord due opportunity to the petitioner, the respondent-Gram Panchayat is

directed to treat the notice dated 14.09.2016 as show cause notice. If petitioner files the explanation along with the relevant documents, if any, as under taken, by 08.12.2016, the same shall be considered and appropriate decision be taken and communicated to the petitioner, as warranted by law. Till such a decision is taken, no coercive steps shall be taken against the petitioner.

6. With the above directions, the Writ Petition is disposed of. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

7th December, 2016
Rds

P.NAVEEN RAO,J

