

HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 5042 of 2016

DATED 17TH FEBRUARY, 2016

BETWEEN

D.Hanumantha Reddy

...Petitioner

And

The State of Telangana,
Rep. by its Principal Secretary,
Panchayatraj Department, Secretariat,
Hyderabad and ors.

..Respondents

HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 5042 of 2016

ORDER:

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Heard learned Counsel for the petitioner, learned Government Pleader for Panchatraj appearing for respondents 1 to 3 and 5 and Sri G.Narender Reddy, learned Standing Counsel appearing for respondent No.4.

The impugned notice dated 25.01.2016 issued by the fourth respondent-Gram Panchayat directing the petitioner to remove the compound wall and house property is challenged before this Court.

A perusal of the impugned notice issued by the fourth respondent-Gram Panchayat, reveals that the Road and Buildings Department proposed to widen the 30 feet BT road

from Indrakal to Yadireddypalli village by 50 feet. The fourth respondent-Grampanchayat in its meeting resolved for widening the road. Since the compound wall and house property of the petitioner are causing obstruction for widening the BT road, the impugned notice has been issued to the petitioner to remove the same.

The impugned notice issued directing the petitioner to remove the compound wall and house property virtually amounts to 'an order' which was passed without any prior notice to the petitioner. However, as the Gram Panchayat is vested with power conferred under Section 88 of the Panchayat Raj Act, 1994, the impugned communication shall be treated as show cause notice and the petitioner is at liberty to submit his explanation within two weeks from today. If such an explanation is filed, the fourth respondent-Gram Panchayat shall consider the same and pass appropriate orders in terms of Section 98 of the Panchayat Raj Act, 1994. Till the orders are passed by the fourth respondent, there shall not be any interference with the compound wall and house property of the petitioner.

Subject to the above, the Writ Petition is disposed of. Miscellaneous petitions pending consideration if any in the Writ Petition shall stand closed in consequence. No order as to costs.

JUSTICE CHALLA KODANDA RAM

DATED 17TH February, 2016.
Msnr_x

