

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

W.P.No.22046 OF 2017

ORDER

This writ petition is filed for the following relief:

“....to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the proceedings in Rc.No.17/2010/GP/Anp 14.06.2017 of the 1st respondent arising out of the proceedings of 6th respondent in Complaint No.2506/2013/B2, dated 5.5.2016 is arbitrary, illegal and violation of principles of natural justice and consequently set aside the proceedings in Rc.No.17/2010/GP/Anp, 14.6.2017 of the 1st respondent and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case which is necessary in the interest of justice.”

Heard learned counsel appearing for the petitioners, learned Standing Counsel appearing for the 1st respondent, learned Government Pleader for Panchayat Raj appearing for respondents 2, 3 & 7 and learned Government Pleader for Revenue appearing for respondents 4 and 5.

The petitioners claim that they were given D Form Pattas for construction of houses in Sy.No.805, Anaparthi Village & Mandal, East Godavari District. While so, on the complaint of some third parties, without hearing the petitioners,

Upa-Lokaukta passed an order on 5.5.2016, which reads as under:

“So, considering the entire material on record, it is desirable to issue notice to the District Panchayat Officer, East Godavari District to instruct his subordinates to take all steps to evict the encroachers of the subject matter property by issuing notices after following due procedure and send compliance report to this Institution, within six (6) months from the date of receipt of copy of this order, with the above direction, this complaint can be closed. Accordingly, closed.”

Pursuant to the said order, the Revenue Divisional Officer, Ramachandrapuram, addressed a letter to the District Panchayat Officer, Kakinada, on 14.06.2017 for taking further action. On the same date, when the 1st respondent-Anaparthi Grama Panchayat issued a notice asking the petitioners to remove the encroachments, the present writ petition is filed.

Since the petitioners claim that they are in possession of the property by virtue of D Form Pattas granted to them, this Court gives liberty to the petitioners to submit an explanation to the 1st respondent within one week from the date of receipt of a copy of this order by treating the impugned notice as show cause notice and on considering the said explanation, the 1st respondent shall pass appropriate orders in accordance with law.

Till such time, no proceedings for eviction of the petitioners shall be taken.

Accordingly, the Writ Petition is disposed of. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE A.RAMALINGESWARA RAO

7th July, 2017
rkk

