

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

W.P.No.30616 of 2017

ORDER

Heard learned counsel appearing for the petitioners, learned Government Pleader for Panchayat Raj appearing for respondents 1 to 3 and learned counsel appearing for the 4<sup>th</sup> respondent.

1<sup>st</sup> petitioner is mother of the 2<sup>nd</sup> petitioner. The 2<sup>nd</sup> petitioner states that his father-Kesineni Veeraiah purchased land to an extent of Ac.0-03 ½ cents situated at Aremanda Village, Ponnur Mandal, Guntur District, more than four decades ago from its lawful owner and constructed a small house. His father expired on 18.8.2008. After his demise, they succeeded to the said property and D.No.2-07 was also assigned to it and they have been paying taxes regularly. While so, it appears that Ex-Sarpanch of the 4<sup>th</sup> respondent-Gram Panchayat made attempts to dispossess them from the said house. In that connection, the petitioners filed O.S.No.67 of 2011 on the file of the Principal Junior Civil Judge, Ponnur, for perpetual injunction and the said suit was decreed on 21.3.2017. In the said suit, the Gram Panchayat was not a party. Taking advantage of the same, the 4<sup>th</sup> respondent issued a notice directing the petitioners to

vacate the property in question for constructing the Gram Panchayat Building. Pursuant to the same, the petitioners issued reply on 13.7.2017. Without considering the said reply, when a final notice was issued on 26.8.2017, the present writ petition is filed.

A reading of the impugned notice does not indicate consideration of reply submitted by the petitioners on 13.7.2017.

In the circumstances, the respondents are restrained from taking further action for a period of 30 days from today and the 4<sup>th</sup> respondent shall pass a reasoned order by considering the reply alleged to have been submitted by the petitioners on 13.7.2017. If the 4<sup>th</sup> respondent has not received the reply alleged to have been submitted by the petitioner, the petitioner is directed to submit a copy of the same within one week from the date of receipt of a copy of this order.

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

Miscellaneous petitions, if any, pending shall stand closed.

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JUSTICE A.RAMALINGESWARA RAO

*11<sup>th</sup> September, 2017*

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*Note: Issue CC by three days..*