

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

WRIT PETITION No.21814 of 2017

ORDER:

This Writ petition is filed under Article 226 of the Constitution of India for the following relief:

“...to issue an appropriate writ, order or direction more one in the nature of writ of mandamus declaring the action of the 5th respondent in issuing the demand notices dated 02.06.2017 and 28.06.2017 asking the petitioner to vacate the House Bearing No.1-1/4 and open site to an extent of 400 Sq.yds belonging to the petitioner existed in Gramakantam land in Nagireddypally Village, Bhongiri Mandal and that of refusal to receive the explanation from the petitioner and other hand interfering with the peaceful possession and enjoyment of the petitioner house and house site and also that of highhanded attempts of the respondents 4 to 6 to remove the structures of the petitioner's house and compound wall dated 29.06.2017 due to political reasons as illegal, arbitrary and discriminative and violative of the Articles 14, 19 and 21 of the Constitution of India and set aside the same and consequently direct the respondents not to interfere with the peaceful possession and enjoyment of the house bearing No.1-1/4 and house site of the petitioner to an extent of 400 Sq.yds situated in Gramakantam Land of Nagireddypally Village, Bhongiri Mandal and pass such other order or orders as deem fit and proper in the circumstances of the case.”

2) Heard learned counsel for the petitioner, learned Government Pleader for Panchayat Raj representing respondents 1 to 3, learned standing counsel for Panchayat Raj representing respondents 4 and 5 who offered to file vakalath from

instructions; and learned Government Pleader for Home representing 6th respondent and perused the prayer in the writ petition with the supporting affidavit and the impugned notice dated 28.06.2017 issued by the 5th respondent panchayat to the petitioner.

3) It is the claim of the petitioner that he is the owner of the subject property. From the impugned notices, the petitioner was directed by the 5th respondent panchayat to furnish his entitlement by documentary proof to reside in the subject premises despite notices dated 02.06.2017, 12.06.2017 and final notice dated 28.06.2017 seeking to vacate and hand over the premises unless he establishes his entitlement in saying despite the property vested in the panchayat and not the private property.

4) It is the submission of the learned counsel for the petitioner that even though the petitioner wanted to submit his explanation, the same is not received. Undisputedly, the petitioner did not submit any such representation/ explanation or documentary proof as to his entitlement on the subject premises in compliance with the notice requirement.

5) Having regard to the above, the Writ Petition is disposed of giving liberty to the petitioner within one (1) week from the date of receipt of copy of this order to submit a detailed explanation along with documentary proof of his entitlement on the subject property. Needless to observe, even if it is the property of the Government or vested under Panchayat otherwise, under Panchayat Raj Act, the respondents shall not take law into

their hands except by following due process of law to evict the petitioner from the subject premises. No order as to costs.

6) Consequently, miscellaneous petitions, if any shall stand closed. No costs.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 06.07.2017
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