

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

W.P.No.25151 OF 2017

ORDER

This writ petition is filed challenging the action of the 5th respondent in issuing the notice dated 3.7.2017 directing the petitioners to submit their explanation with regard to unauthorized constructions made by them in an extent of Ac.0.15 cents in Sy.No.114/1 of Bogyamvaripalli Village, H/o Vempadu, Varikuntapadu Mandal, Sri Potti Sriramulu Nellore District.

It is stated in the impugned notice that the petitioners obtained permission only in respect of Ac.0-4 ½ cents out of the total extent of Ac.0-15 cents of land and that a compound wall was constructed.

When the matter was taken up for consideration on 28.07.2017, the petitioners were given an opportunity to submit their explanation to the said impugned notice. Pursuant to the same, the petitioners submitted their explanation on 31.7.2017.

Counter-affidavit is filed on behalf of the 5th respondent stating that the petitioners constructed a compound wall by encroaching the common road and obstructing the other villagers from using the same. Hence, the villagers lodged a

complaint against the petitioners. Pursuant to the same, the Gram Panchayat passed a resolution No.16/2017 to take action for removing the compound wall constructed by the petitioners. In those circumstances only a notice was issued initially. The petitioners submitted their explanation on 23.05.2017 stating that they are in possession of the said property by constructing a pucca house including a compound wall and have been paying tax to the Gram Panchayat. They have also stated that the Tahsildar, Varikuntapadu issued a possession certificate on 19.11.2013 confirming their possession over the subject property. After receipt of the said explanation, the matter was got enquired by the Panchayat Secretary, who found that the petitioners encroached the road portion and constructed the building in the Government land without any valid documents. It is further stated that the possession certificate dated 19.11.2013 submitted by the petitioners is not genuine and the same was also confirmed by the Tahsildar *vide* letter dated 18.08.2017. These facts were brought to the notice of the petitioners by remainder notice dated 29.05.2017 by rejecting their explanation, but the petitioners refused to receive the same. Hence, the said reminder notice was affixed to their door for their intimation.

Since the submission of explanation by the petitioners on 31.7.2017 was admitted by the official respondents and the same is pending consideration, the Gram Panchayat shall pass appropriate orders thereon in accordance with law.

With the above observations, the Writ Petition is closed.

No costs.

Miscellaneous petitions, if any, pending shall stand closed.

3rd October, 2017
rkk



JUSTICE A.RAMALINGESWARA RAO