

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.13920 of 2017

ORDER:

This writ petition filed under Article 226 of the Constitution of India challenges the notice, dated 31.03.2017, issued by the Executive Officer/Panchayat Secretary, Gram Panchayat Poddur, Medchal Mandal and District – 4th respondent herein.

Heard the learned counsel for the petitioner, learned Government Pleader for Panchayat Raj and learned Standing counsel, Sri G. Narender Reddy, for the Gram Panchayat – 4th respondent.

According to the petitioner, he is the lawful owner and possessor of Ac.0.17 guntas in Sy.No.602/A of Poodur Village, Medchal Mandal and District having inherited the same from his father and it is stated further that he submitted application, dated 28.03.2016, to the 4th respondent – Gram Panchayat expressing his intention to construct temporary shops in a part of the property and that, as there is no response from the 4th respondent – Gram Panchayat within the statutory period, he started raising temporary sheds from January, 2017 and completed by February, 2017 over a part of the property by leaving 30 feet setback from the R & B road, leading from Shameerpet to Medchal and using the same for personal purposes. By virtue of the notice under challenge, dated 31.03.2017, the 4th respondent - Gram Panchayat asked the petitioner to remove the said temporary sheds raised by him while asking him to submit the documents pertaining to the land and the papers pertaining to the compromise, if any.

Learned counsel for the petitioner submits that the respondents are actively contemplating to demolish the subject structures and the petitioner may be permitted to submit his explanation to the impugned notice, dated 31.03.2017, along with all the relevant papers showing his title and right in the property. He further submits that the impugned notice is unsustainable, untenable and violative of principles of natural justice.

On the other hand, it is submitted by the learned Standing counsel for the respondent – Gram Panchayat that there is no illegality nor there exists any infirmity in the impugned action and, in fact, by way of the impugned notice, dated 31.03.2017, the petitioner has been asked to submit necessary documents in support of his title and right in the property and without complying with the same, the petitioner has approached this Court by way of the present writ petition.

Having heard the learned counsel for the petitioner and the learned Standing counsel for the respondent – Gram Panchayat, this Court deems it appropriate to permit the petitioner to submit his explanation to the impugned notice, dated 31.03.2017, with all supporting documents showing his title over the property, within a period of two weeks from the date of receipt of a copy of this order. If any such explanation is filed the same be considered and appropriate orders be passed in accordance with law, after giving opportunity of hearing to the petitioner. Till such exercise attains finality, there shall be status quo with regard to the subject property.

The writ petition is accordingly disposed of.

Miscellaneous petitions, if any, shall also stand disposed of.
There shall be no order as to costs.

Date: 18.04.2017
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A.V.SESHA SAI, J

