

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 23293 of 2012

ORDER:

1) The present writ petition came to be filed seeking issuance of writ of mandamus declaring the letter No.01/ 271(1)/ 2012-ASF, dated 24.07.2012 addressed by the Depot Manager, APSRTC, Asifabad to the Special Officer, Grampanchayat, Asifabad and the consequential notice No.GP.A/ 10/ 2012 dated 26.07.2012 issued by the Panchayat Secretary, Gram Panchayat, Asifabad, as illegal, arbitrary and contrary to the provisions of the Andhra Pradesh Panchayat Raj Act, 1994.

2) A reading of the impugned notice would show that open space on eastern and southern side of Asifabad Depot was occupied by private persons since long back by raising temporary shops/ stalls. Though they were directed to remove the illegal constructions, there was no proper response from them. It is stated that the A.P.S.R.T.C. has proposed to construct shops/ stalls under (DOT) Deposit Operate and Transfer Scheme in the said premises but could not do so in view of the occupation of the said premises by others. Hence, the R.T.C. wrote a letter to the Special Officer, Gram Panchayat, seeking removal of temporary shops raised therein. Pursuant to that, a notice was issued to the petitioner asking him to remove the shop, which is on the southern side of the compound wall of RTC, failing which the authorities threatened to remove the same on their own. The

said notice is subject matter of challenge in the present writ petition.

3) Though various grounds are raised, learned counsel for the petitioner submits that the authorities may be directed to follow due process of law while taking steps for removal of the shop.

4) A perusal of the notice dated 26.07.2012 would show that no opportunity was given to the petitioner to explain the circumstances under which he is in occupation of the said premises and also fixing time limit for removal of the said shop. The notice refer to removal of the shop immediately. The counsel for the respondents would submit that any action would only be in accordance with law.

5) Having regard to the above, the writ petition is disposed of setting aside the notice dated 26.07.2012, and consequently giving liberty to the authorities to take action for removal of the shop by following due process of law.

6) Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed. There shall be no order as to costs.

JUSTICE C. PRAVEEN KUMAR

15.02.2017
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