

THE HON'BLE SRI JUSTICE S. V. BHATT

WRIT PETITION No. 18025 of 2012

ORDER:

Heard Mr.S.Chandra Shekar for petitioners, Mr.Narender Reddy for 1st respondent, and the Assistant Government Pleader for 2nd Respondent.

2. The subject matter of the writ petition relates to House No.1-20, in an extent of 3 cents in Sy.No.41/ B of Bhodod (Kopsi) village, Bela Mandal, Adilabad district. The petitioner challenges the notice, vide No.GP/ GA2012, dated 13.06.2012 issued by 1st Respondent, as illegal and arbitrary. The case of petitioner is that the Respondents on assumption and without proper basis are, firstly, trying to demolish the structure of the subject house, and secondly, issued impugned notice on 13.06.2012, granting ten days time to submit explanation, and then damaged the house even before expiry of the time granted for submitting explanation.

3. The 1st Respondent filed counter-affidavit and also additional counter-affidavit with the leave of this Court. The case of the 1st Respondent is that the place in occupation of the petitioner is, in fact, allotted for constructing 'Anganwadi building', and the challenge to notice is completely unfounded and liable to be rejected. The 1st Respondent refers to a few commissions and

omissions, alleged to have been done by the petitioner, and prays for dismissing writ petition in its entirety.

4. I have heard the learned counsel appearing for the parties and perused the material available on record. Prima facie, this Court is of the view that by issuing a notice the possession of petitioner of subject matter is accepted by the Respondents. The normal course expected, after a notice to an occupant is issued, the Respondents wait till the period granted for submitting reply is over, conduct enquiry into the matter, pass an order and thereafter proceed in accordance with law. If the 1st Respondent does anything contrary to what is stated supra, the action is certainly illegal and untenable. Be that as it may, notice is issued by Respondents and interim order was granted by this Court on 18.06.2012, directing the Respondents not to demolish the subject house. The interim order is subsisting as on date.

5. Keeping in view the nature of controversy between the parties and to ensure adherence to rule of law, I am satisfied the writ petition can be disposed of this order.

The petitioner is given liberty to submit explanation, by enclosing a copy of this order to 1st Respondent, within four weeks from the date of receipt of a copy of this order. If the 1st Respondent is of the view that he has jurisdiction to decide the issue, the 1st Respondent can proceed to conduct enquiry and pass orders in accordance with law. If the dispossession of the

petitioner is warranting, it is needless to observe that the dispossession shall be carried out by respondents in accordance with law.

6. With the above observations, the writ petition is disposed of. As a sequel, the miscellaneous applications pending, if any, shall stand closed. There shall be no order as to costs.

S. V. BHATT, J

January 25, 2017
Kv



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