

HON'BLE SRI JUSTICE S.V. BHATT

WRIT PETITION Nos.16182 & 24546 OF 2017

COMMON ORDER:

The subject matter of both the writ petitions is one and the same, are heard together and disposed of, by this common order.

The petitioners pray for mandamus declaring the notice dated 17.01.2017, issued by the 3rd respondent, as illegal and unconstitutional.

The operative portion of the notice/orders impugned in the Writ Petition No.16182 of 2017 reads thus:

“.....The Samskruthi Town ship had illegally made the shops and doing business and the grampanchayat had many times informed that to remove the same but till date they have not removed the same.

In this regard on 08.01.2015, the Telangana Housing Board had directed to remove the said shops immediately and directed the Samskruthi Town ship to remove the same and later on 12.01.2015 M/s. Speak System Limited informed that to remove the temporary sheds in the land immediately but they have not remove the same and on 20.01.2015, Tuesday, had removed the shops under Section 98 of the Andhra Pradesh Panchayat Raj Act, 1994.

This is to inform you that if there is any material take the same and if there is any damages occurred the authorities will not responsible for the same.”

This Court granted interim order in both the writ petitions on 27.04.2017 and 31.04.2017 respectively and thereafter WVMP.Nos.3469 and 2458 of 2017 respectively are filed for vacating the said interim orders. One of the objections raised by the respondents is that the notice/order

impugned in the writ petitions can effectively be challenged before the Government by filing Revision under Panchayat Act.

Counsel for the petitioners states that the petitioners may be given opportunity to workout remedy of Revision before the Government. The statement is placed on record.

Without going into the merits of the matter, this Court is of the view that the petitioners can be given opportunity to avail the remedy of Revision before the Government. Writ petitions are disposed of by this order.

1. Interim order granted on 27.04.2017 and 31.04.2017 is directed to continue for a period of four (04) weeks from today.

2. Petitioners are given liberty to file Revision by enclosing a copy of this order before the Government within two (02) weeks and if a Revision is filed as permitted by the Court, the Government considers passing orders on the stay application, if any, moved by the petitioners before the expiry of four (04) weeks period for which the interim order is extended. No order as to costs.

Miscellaneous petitions, if any, pending, shall stand closed.

S.V.BHATT, J

Date: 18.09.2017
Note: CC by 3 days
(B/o) dv

