

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

WRIT PETITION NO.14569 OF 2017

ORDER:

Heard Sri P.Venkat Reddy, learned counsel for the petitioner, learned Government Pleader for Panchayat Raj for the first respondent and Sri G.Narender Reddy, learned Standing Counsel for the second respondent.

According to the petitioner, he purchased an open plot bearing No.36 admeasuring 298 square yards in Survey No.178/1 situated at Kundanpally Village, Keesara Mandal, Medchal, Malkajgiri District through registered sale deed bearing Document No.336/1990 dated 17.01.1990 from one Sri Y.Rajaiah and others through their registered GPA Holder Sri M.Karunakar Rao. It is stated that after purchase of the subject property, the petitioner herein obtained building permission from the Gram Panchayat on 31.03.1990 for construction of residential house. It is further stated that since 1990 the petitioner herein, along with his family members, has been residing in the said house and the house is also assessed to tax by allotting door No.5-19 and that the petitioner has been paying tax regularly to the second respondent-Gram Panchayat.

The second respondent-Gram Panchayat issued notice bearing No.GP/GDK/2016-17, dated 30.12.2016 demanding the petitioner herein to produce the permission and layout document within seven days while also asking the petitioner to remove the constructions. In response to the said notice, the petitioner herein submitted an explanation/representation on 04.01.2017 explaining his right over the subject property.

The grievance of the petitioner, as advocated by the learned counsel for the petitioner during the course of the arguments, is that without considering his representation, the second respondent is going ahead with demolition of the subject structures.

Having heard the learned counsel for the petitioner, learned Government Pleader for the first respondent and the learned Standing Counsel for the second respondent, this Court is of the considered opinion that ends of justice would be served if the second respondent is directed to consider the explanation/representation dated 04.01.2017 submitted by the petitioner herein in response to the notice dated 30.12.2016 and pass appropriate orders in accordance with law after giving opportunity of hearing to the petitioner.

Accordingly, the Writ Petition is disposed of. Till consideration of the petitioner's representation dated 04.01.2017, no coercive steps shall be taken by the respondents in pursuance of the impugned notice dated 30.12.2016. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

(A.V.SESHA SAI, J)

21st April 2017
RRB