

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No. 28354 of 2017

Order:

Heard learned counsel for the petitioners and learned Standing Counsel for the fourth respondent.

The case of the petitioners is that they occupied the revenue poramboke land situated in Nizampatnam Panchayat by constructing a thatched house. In 2004 Tsunami they lost their house. The Rotary Club identified the beneficiaries and rehabilitated them in the land of an extent of Ac.5.67 cents situated in Survey No.531-1D of Nizampatnam village and Mandal and the petitioners were allotted an extent of Ac.0.02 cents in Plot No.19, Block No.531-1D of Nizampatnam Gram Panchayat. The plot was situated in a three road junction. The Government constructed a pucca house in the said land and handed over to the petitioners. There is a small extent of 75 sq. yards abutting the said house and in order to sustain themselves they were rearing two buffaloes in the said vacant land and eking out their livelihood by selling milk. They constructed a compound wall around their house by obtaining permission from the third respondent. While so, when the fourth respondent issued a notice on 10.08.2017 directing the petitioners to remove the compound wall on the ground that the land was encroached on the northern side in excess of the land that was allotted to them, the present Writ Petition is filed.

Even as per the averments in the affidavit filed in support of the Writ Petition, it is clear that the petitioners occupied 75 sq. yards of land more than that was allotted to them. But, the case of the petitioners is that they constructed the compound wall after obtaining permission from the third respondent. Whether the third respondent has granted such

permission or not has to be verified by the fourth respondent pursuant to the impugned notice.

In the circumstances, it is open to the petitioners to submit their explanation to the impugned notice dated 10.08.2017 treating it as a show cause notice within a period of one week from the date of receipt of a copy of this order and, after receipt of the said explanation, the fourth respondent shall pass appropriate orders, if necessary by making spot inspection and surveying the land. Till such time, no coercive steps for demolition of compound wall shall be taken. If the petitioners fail to file their explanation/objections within the time aforesaid, it is open to the fourth respondent to take appropriate action in accordance with law.

The Writ Petition is, accordingly, disposed of. There shall be no order as to costs.

As a sequel thereto, the miscellaneous petitions pending in this Writ Petition, if any, shall stand closed.

Date: 23.08.2017
Nsr

A. RAMALINGESWARA RAO, J