

THE HON'BLE DR. JUSTICE B.SIVA SANKARA RAO

WRIT PETITION No.19493 OF 2017

ORDER:

This Writ Petition is filed by the petitioner with the prayer which reads as follows:-

“to issue a writ of mandamus or any other appropriate writ or direction declaring the action of the 3rd respondent in issuing notice dated 05.06.2017 as illegal and arbitrary, against principles of natural justice and one without jurisdiction and violation of 300-A of Constitution of India and consequently direct the respondents not to demolish the shops with assessment No.57 situated at Mypadu Grampanchayat, Indukurpet Mandal, SPSR Nellore District by setting aside the notice dated 05.06.2017 and pass such other or further orders as the Hon'ble Court feels deem fit and proper in the facts and circumstances of the case.”

2. Heard learned counsel for the petitioner and also the learned Government Pleader for Panchayat Raj, representing the 1st respondent and recorded the offer, from oral instructions, of Sri G.Seshadri, representing the respondents 2 and 3, to file vakalat and perused the prayer in the writ petition with supporting affidavit and the other material on record.

3. The apprehension of the petitioner is that the respondents are taking law into their hands without following

the procedure under the Panchayat Raj Act, despite their notice states if failed to remove they are going to invoke the proceedings and once they demolish, he will be helpless despite he is the owner of the property, which he purchased in 1985 under a registered sale deed from the previous owner, though that sale deed no way reflects the source of title of the previous owners.

4. Having regard to the above, by taking the same as a preliminary notice as per the provisions of the Panchayat Raj Act, respondents shall wait for ten days from date of receipt of a copy of this order, to give reply by the petitioner and thereafter pass appropriate orders and take recourse only under the Panchayat Raj Act and without which they cannot demolish to mean except through due process of law.

5. Accordingly and with the above direction, this writ petition is disposed of. Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence. No order as to costs.

DR.B.SIVA SANKARA RAO,J

16.06.2017

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