

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No. 37386 of 2017

ORDER :

This writ petition is filed seeking writ of mandamus declaring the action of the respondents 3 to 5 in trying to demolish the compound wall of house of the petitioner bearing H.No.10-58, measuring 338.4 sq.yds, situated at 10th Block of Gundumal Village, Kosgi Mandal, Mahabubnagar District, Telangana State by virtue of order No.DPO-A50G.P/5/2017-A5-Section, dated 15.09.2017 as illegal and arbitrary and consequently to set aside the same.

Heard learned counsel for the petitioner and Sri G.Narender Reddy, learned Standing Counsel for respondents 3 to 5.

The only grievance of the petitioner is that without following the due process of law, the respondents are trying to demolish the compound wall of the petitioner's house bearing No.10-58, measuring 338.4 sq.yds, situated at 10th Block of Gundumal Village, Kosgi Mandal, Mahabubnagar District,

Sri G.Narender Reddy, learned Standing Counsel, on instructions, submits that in pursuant to impugned order, petitioner was issued show-cause notice and that by suppressing the said fact, present writ petition is filed. He also submits that under Rule 33 (2) of the Andhra Pradesh Gram Panchayat Land Development (Layout and Building) Rules, 2002, vide G.O.Ms.No.67, Panchayat Raj and Rural Development (Pts.-IV),

dated 26.02.2002, the District Panchayat Officer or his officers may take any action and issue suitable instruction to the executive authority or any other body for necessary action against the unauthorized construction/layout, besides taking action on the Executive Authority for allowing such unauthorized developments.

It is to be seen that show-cause notice was issued to the petitioner and by suppressing the said fact, present writ petition is filed.

In view of the same, it is for the petitioner to submit explanation to the show-cause notice within a period of two weeks from today. On such explanation, the competent authority is directed to consider the same and take action accordingly. Since learned Standing Counsel submits that till orders are passed by the competent authority, they are not going to take any action, the respondents shall not take up demolition of the compound wall of house of the petitioner, till passing of final orders by the competent authority. If petitioner fails to file explanation within the above said period, it is open for the respondents to take appropriate in accordance with law.

With the above direction, this writ petition is disposed of. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand disposed of.

A.RAJASHEKER REDDY, J

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Date: 13.11.2017

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