

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

W.P.No.34657 of 2017

ORDER

Heard learned counsel for petitioner, learned Government Pleader for Panchayat Raj for respondent No.1, learned Standing Counsel for respondent No.2 and learned Standing Counsel for respondent No.3.

2. The petitioner submits that in pursuance of the development agreement-cum-General Power of Attorney dated 30.05.2012 entered by him with the registered owners for residential plot Nos.11 and 12 forming part of Sy.No.174/2 of Payakaraopeta Village and Mandal, Visakhapatnam District, he constructed a residential complex with ground + two floors after obtaining permission from the second respondent on 16.06.2012 vide approval No.B.A.No.18/12-13.B. He sold out the said plots given by the owners of land. It appears that the land owners made some constructions in the left over open space of the residential complex after leaving parking area by all the occupants of residential complex. The petitioner purchased two shops out of four shops constructed by the land owners by registered sale deeds dated 09.04.2015 from the owners of the land. These shops were assessed by the office of the second respondent in the year 2013 and they have been collecting property tax. When a notice was received by the wife of petitioner from the second respondent on 09.10.2017 asking the petitioner to remove the shops, the present writ petition is filed.

3. Learned counsel for the petitioner submits that under Rule 33(2) of Andhra Pradesh Gram Panchayat Land Development (Layout and Building) Rules, 2002, the District Panchayath Officer is competent to issue notice and the impugned notice issued by the Panchayat Secretary is invalid. He further submits that no show cause notice was issued to the petitioner and the earlier show cause notice issued to the owners of the land and the explanations alleged to have been submitted by the owners is not binding on the petitioner as he purchased the property under registered sale deeds.

4. In view of the aforesaid submission, the Writ Petition is disposed of, at the admission stage, giving liberty to the second respondent to comply with the law by giving appropriate notice to the petitioner and after receipt of explanation from the petitioner, he shall take action in accordance with law, and till such time, the shops purchased by the petitioner though constructed by the original owners shall not be demolished. No order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

A. RAMALINGESWARA RAO, J

16th October, 2017

sj