

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.6098 of 2018

ORDER:

The Notice dated 02.02.2018 issued by the 2nd respondent is challenged before this Court.

2) It is the specific contention of the learned counsel for the petitioner that though it is termed as 'Notice' a reading of the same reveals that the respondents have already come to conclusion that the petitioner had occupied the road area and hence the alleged illegal constructions are required to be removed. The learned counsel vehemently submits that there is no occupation by the petitioner and the impugned notice is vague and does not specify to what extent the petitioner has occupied the road.

3) On the other hand, learned Government Pleader for the 1st respondent and Sri G. Seshadri, learned Standing Counsel for the 2nd respondent, opposed the Writ Petition and submitted that the impugned notice is clear with respect to the occupation of the road by the petitioner and at any rate, the petitioner could have approached the Gram Panchayat by offering her explanation instead of rushing to the Court.

4) Having considered the respective submissions, in the present case on hand, there are allegations with respect to the occupation of the public road by the petitioner. Though the petitioner submits that the impugned notice is vague, considering the very allegation of the respondents that the petitioner has constructed a house by occupying the road, even assuming that the petitioner has occupied a small extent, it cannot be said that the petitioner would not be aware of the extent which she has occupied. However,

considering the fact that the petitioner was not issued any notice calling upon her to remove the alleged illegal construction, she shall treat the present notice as a notice issued to her with specific allegation of occupation of the road and she can offer her explanation. In the event the petitioner requires any more information, she shall approach the 2nd respondent-Secretary, Gram Panchayat, who shall furnish such information. At any rate, the petitioner shall submit her explanation within four weeks from the date of receipt of a copy of this Order, which shall be considered by the 2nd respondent within three weeks thereafter and pass appropriate orders on merits, uninfluenced by the observations made by this Court. It is made clear, till such time the orders are made, the respondents shall not disturb the peaceful possession and enjoyment of the petitioner over the property.

5) With the above direction, the Writ Petition is disposed of. There shall be no order as to costs.

6) Consequently, Miscellaneous Petitions pending, if any, in this Writ Petition, shall stand closed.

CHALLA KODANDA RAM, J.

Date: 23.02.2018.

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