

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.36858 OF 2018

DATED :23.10.2018

Between :

K. Siva Teja S/o.Late Srinivasa Rao,
Aged about 27 yrs, Occu : Auto Driver,
R/o.H.No.14/172, Railpet, Gudivada,
Gudivada Mandal, Krishna District.

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Petitioner

And

The Government of Andhra Pradesh,
Rep., by its Principal Secretary,
Panchayat Raj & Rural Development Department,
Secretariat Buildings, Velagapudi, Amaravathi,
Guntur District, A.P. & others.

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Respondents



This court made the following :

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ORDER :

Heard learned counsel for the petitioner, Learned Government pleader for Panchayat Raj and Sri G.Seshadri, learned Standing counsel for Gram Panchayat.

2. By order dated 06.03.2017, the District Panchayat Officer, directs the Panchayat Secretary, Avanigadda Gram Panchayat to correct the entries made in Births and Deaths Register by deleting the name of petitioner alleging that wrong entry was made and wrong date of birth certificate was issued. Consequently, the Panchayat Secretary passed orders on 10.03.2017 complying with the directions issued by the District Panchayat Officer.

3. It is the case of petitioner that no prior notice or opportunity was afforded to him before taking such adverse decision having far reaching consequences.

4. A bare reading of the order dated 06.03.2017 of the District Panchayat Officer, it is apparent that no prior notice was caused on the petitioner and no opportunity was afforded to him and straight away the order was passed. In view of the content of the order there was no option for the Panchayat Secretary except to pass orders canceling the entries made in the Births and Deaths Register and issuance of date of birth certificate. As the order has severe civil and evil consequences, no such decision can be made without observing due process and without putting the affected person on notice and affording

opportunity of hearing. Hence, the order impugned is liable to be set aside.

5. Accordingly, the order is set aside and the Writ Petition is allowed. However, it is open to the District Panchayat Officer to take appropriate course of action as warranted by law, after affording due opportunity to the petitioner. Pending miscellaneous petitions shall stand closed.

23rd October, 2018
Rds

P.NAVEEN RAO,J

