

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.38119 OF 2018

Date:29.10.2018

Between:

Eddula Bala Murali Krishna,
S/o. Eddula Thippanna, Hindu,
Aged 48 years, Occ: Consultancy,
R/o.D.No.1-1-490, R.K. Nagar,
Ananthapuram Town,
Anantapuram District

.. Petitioner

And

The State of Andhra Pradesh, rep., by its
Principal Secretary, Panchayat Raj and
Rural Development, Secretariat Buildings,
Velagapudi, Amaravathi, Andhra Pradesh
and others

.. Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P. NAVEEN RAO**WRIT PETITION No.38119 OF 2018****ORDER:**

Heard.

2. This Writ Petition is filed challenging the notice dated 16.10.2018, whereunder petitioner was directed to remove the constructions within four weeks. Grievance of the petitioner is that even without issuing prior notice calling upon him to submit explanation as to whether he is in occupation of 60 wide feet road and whether his building plan is overlapping 60 feet wide road, straight away the Gram Panchayat issued the said notice to remove the construction. The petitioner states that he was granted building permission 31.07.2018.

3. Having regard to the fact that notice to remove alleged construction was not preceded with opportunity of hearing, learned Standing Counsel for the Gram Panchayat fairly submits that the notice issued to petitioner would be treated as show cause notice and petitioner shall file his explanation to the same and the same shall be considered and appropriate decision shall be taken.

4. In view of the said submission, the Writ Petition is accordingly disposed of directing the Gram Panchayat to treat the notice dated 16.10.2018 as a show cause notice. Petitioner shall file his explanation to the said show cause notice within two weeks from the date of receipt of a copy of the order, explaining his stand. On receipt of explanation, the Gram Panchayat shall consider the same and pass appropriate orders by assigning due reasons in support of its decision within two weeks thereafter. Further, until

such decision is made, the respondents are directed not to take coercive action against the petitioner. The petitioner is also directed not to make any further construction on the subject property. Pending Miscellaneous Petitions, if any, shall stand closed. Pending Miscellaneous Petitions, if any, shall stand closed.

P. NAVEEN RAO, J

Date:29.10.2018

KH

