

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

WRIT PETITION No.12312 of 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking a Writ of Mandamus declaring the notices vide Rc.No.07/2015, dated 28.04.2015, Rc.No.89/2015 dated 15.03.2015 and Rs.No.89/2015, dated 16.02.2015 issued by the third respondent directing the petitioner to stop further constructions in Sy.No.767-2 to an extent of 0.03 cents in Somandepalli village and Mandal, Anantapur District as illegal and arbitrary.

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

3. It is the case of the petitioner that the third respondent granted permission to the petitioner to make constructions in his site. While so, on 15.03.2015 the third respondent issued a show cause notice directing the petitioner to stop constructions. The petitioner submitted her explanation through her counsel on 17.03.2015 in pursuance of the notice dated 15.03.2015. For one reason or other, the third respondent did not consider the explanation submitted by the petitioner.

4. At the time of argument, the only relief sought by the learned counsel for the petitioner is to direct the third respondent to pass appropriate orders basing on the explanation submitted by the petitioner through her counsel on 17.03.2015.

5. In view of the submission made by the learned counsel for the petitioner, this Court is not inclined to express any opinion touching the merits of the main case.

6. Having regard to the facts and circumstances of the case, the third respondent is hereby directed to consider the explanation of the petitioner dated 17.03.2015 and pass appropriate orders in the light of the provisions of Andhra Pradesh State Panchayat Raj Act and Rules made there under.

7. With the above direction, writ petition is disposed of. Miscellaneous petitions, if any pending in this writ petition shall stand closed.

2nd May 2018,
Rns

T.SUNIL CHOWDARY, J

