

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.42543 OF 2018

Date:10.12.2018

Between:

Pantham Venkateshwar Rao,
S/o. Ganga Raju, aged about
52 years, Occ: Agriculture,
R/o.Door No.6-5, Thokalapudi
Veeravasaram Mandal, West
Godavari District

.. Petitioner

And

The State of Andhra Pradesh, rep., by its
Principal Secretary, Panchayat Raj
Department, Secretariat, Velagapudi,
Amaravati, Guntur District and others

.. Respondents



The Court made the following:

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ORDER:

Heard learned counsel for petitioner, learned Government Pleader for Panchayat Raj for respondent No.1 and learned Standing Counsel for Gram Panchayat for respondent No.2. With the consent of both the learned counsel, the Writ Petition is disposed of at the stage of admission.

2. On 31.10.2018 notice was issued to the petitioner alleging that on the eastern side of R & B road adjacent to the right side of the bus shelter of the Government open land earmarked for public purpose was occupied by him. Petitioner was therefore called upon to file his explanation and documents to prove his ownership on the subject land or else the authorities would take steps to remove illegal structures already made and evict the petitioner.

3. According to learned counsel for petitioner, the said show cause notice was received by petitioner on 16.11.2018 and on 17.11.2018 he sent his reply through registered post with acknowledgment due. While so, on 15.11.2018 further notice was issued to the petitioner. In the said notice, it was alleged that even though sufficient time was granted, petitioner did not respond and therefore it was assumed that there was no explanation to offer and appropriate action would be taken in accordance with the provisions of the Panchayat Raj Act, 1994.

4. Having regard to the stand of the petitioner that the first notice was received only on 16.11.2018 and he submitted his explanation on 17.11.2018, learned Standing Counsel for Gram

Panchayat fairly submits that the Gram Panchayat will consider the explanation offered by the petitioner and pass appropriate orders by assigning due reasons in support of the decision before taking further action.

5. The Writ Petition is accordingly disposed of directing the Panchayat Secretary, Thokalapudi Gram Panchayat, Veeravasaram Mandal, West Godavari District, to consider the explanation dated 17.11.2018 offered by the petitioner and pass appropriate orders by assigning reasons in support of the decision. Until appropriate orders are passed, as directed above, petitioner shall not be evicted from the subject land. There shall be no order as to costs. Pending Miscellaneous Petitions, if any, shall stand closed.

Date:10.12.2018

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P. NAVEEN RAO, J

