

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.42607 OF 2018

Date: 29.11.2018

Between:

The Veeravasaram Building Construction
Labour Society, Regd.No.368/2009, rep.by its
President Sri Bandi Srinivas Rao,
Veeravasaram, West Godavari district.

.....Petitioner

and

The State of Andhra Pradesh, rep.by its
Principal Secretary, Panchayat Raj Dept.,
Secretariat, Velagapudi, Amaravathi,
Guntur district and others.

.....Respondents



The Court made the following:

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ORDER:

Petitioner is a society catering to the welfare of the labour involved in building construction activity. In this Writ Petition, petitioner-society is challenging the notice dated 16.11.2018 issued by the Gram Panchayat. By this notice, petitioner-society was informed that they made illegal construction by encroaching into the Government land in R.S.No.511 of Peerlakodu Madugu village and should remove those constructions within a week or if they have sufficient proof of ownership, they must submit relevant documents within a week, failing which appropriate action would be taken.

2. Though learned counsel for petitioner could not answer as to the ownership claim and obtaining building permission to construct building, he would endeavour to submit that Gram Panchayat could not have issued such kind of notice without affording due opportunity to the petitioner-society and if only sufficient opportunity was afforded, petitioner-society would have placed the relevant material before the Gram Panchayat.

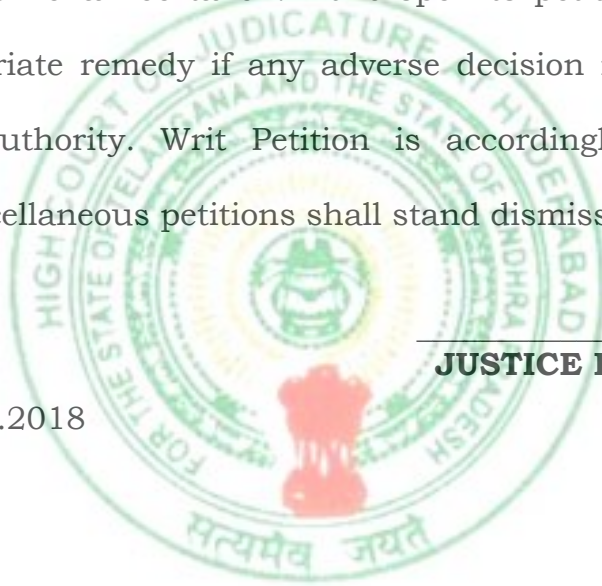
3. Reading of the order would show that either they should remove the constructions made or to show the ownership claim. Court is *prima facie* of the view that though direction to remove the construction is not valid, but Court also notices that the same notice also afforded opportunity to establish the ownership claim of petitioner-society. Ordinarily, no person can occupy the public property. Unless public land is allotted by the competent authority

for any communal purpose, no construction can be made on such public property.

4. Petitioner-society is granted liberty to submit their explanation within a week from today to the show-cause notice with relevant documents supporting their claim. On filing such explanation, the Panchayat Secretary shall consider the same, and if necessary, afford personal hearing to the representative of the society and on due consideration of the explanation offered, shall pass a reasoned order. Till decision is made, as directed above, no coercive action shall be taken. It is open to petitioner-society to avail appropriate remedy if any adverse decision is made by the competent authority. Writ Petition is accordingly disposed of. Pending miscellaneous petitions shall stand dismissed.

JUSTICE P.NAVEEN RAO

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