

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.43848 OF 2018

Date:05.12.2018

Between:

N. Madhava Rao, S/o. Ratiah,
Aged about 44 years, Occ: Agricultural
Manual Labour, Jammalapalem Village,
Jaladanki Mandal, SPSR Nellore
District, Andhra Pradesh

.. Petitioner

And

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

.. Respondents



The Court made the following:

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ORDER:

Heard.

2. Petitioner alleges that the land to an extent of Ac.0.07 cents in Survey No.319/2-3 of Jammalapalem Village, Jaladanki Mandal, SPSR Nellore District, belongs to him. On 20.11.2018, the respondent – Gram Panchayat issued notice to the petitioner calling upon him to remove the tin shed constructed on an open space by illegally occupying the same. Petitioner claimed to have submitted explanation on 26.11.2018. The petitioner, *prima facie*, is claiming that the subject land belongs to him. It appears, so far no decision is made on the explanation offered by the petitioner. However, he apprehends that action is being sought to be taken against him, in view of time fixed in the notice directing him to remove the construction and hand over physical possession.

3. In view of the terms of the notice, it cannot be said that the apprehension of the petitioner is not valid.

4. Since the petitioner has already submitted explanation on 26.11.2018, the Writ Petition is disposed of directing the respondent – Gram Panchayat to consider the explanation offered by the petitioner and pass appropriate orders by assigning reasons in support of the decision. Till a decision is made, the respondent – Gram Panchayat is directed not to remove the existing structure or dispossess the petitioner from the subject property. Pending Miscellaneous Petitions, if any, shall stand closed.

P. NAVEEN RAO, J

Date:05.12.2018

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