

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.44591 OF 2018

DATED :10.12.2018

Between :

Kopparapu Mastan, S/o.Ali Saheb,
Caste : Muslim, Aged about 65 yrs,
R/o.Gurijipalle Village, Santamagulur Mandal,
Prakasam District & others.

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Petitioners

And

The State of Andhra Pradesh,
Rep., by the Principal Secretary,
Panchayat Raj & Rural Development Department,
Secretariat of A.P., Amaravathi,
Guntur District & others.

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Respondents



This court made the following :

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ORDER :

Heard learned counsel for the petitioners, learned Government Pleader for Panchayat Raj for respondents 1, 5 and 6, learned Government Pleader for Revenue for respondents 2 to 4 and Sri G.Seshadri, learned Standing counsel for respondents 7 and 8.

2. According to petitioners, since long ago, a small piece of land classified as Gramakantam in Sy.No.122 of Gurijepalli Village, Santamaguluru Mandal, Prakasam District, was in occupation by the family of petitioners and they have also constructed a building. While so, on 15.11.2018, a notice was issued alleging that there are *inter se* disputes between two groups and directs the petitioners to remove the illegal constructions made on land in Sy.Nos.122/3, within seven days from the date of receipt of said notice, failing which appropriate action would be taken by the Gram Panchayat to remove the illegal constructions made.

3. The said notice is challenged primarily on the ground that this notice was not preceded by notice alleging illegal constructions made. Except referring to the notice stated to have been issued by the Panchayat Secretary, directing the rival groups to appear before him for enquiry, the result of the enquiry is not reflected in the notice. It appears no show cause notice is issued containing the details of the issue and how the petitioners are held to be in illegal occupation of the land in

Sy.No.122/3 and construction made on the said land. As this would amount to removing the structures already existing, it should have been preceded by due opportunity.

4. Having regard to the same, the Extension Officer (P.R & R.D)-6th respondent is directed to treat the notice dated 15.11.2108 as show cause notice. Petitioners shall file their explanation within two weeks from the date of receipt of copy of this order, with supporting documents to show that the property belongs to them and valid construction was made. On due consideration of the said explanation and material placed before the 6th respondent, he shall pass appropriate orders, by assigning due reasons in support of the decision. Until orders are passed as directed above and communicated to petitioners, the existing structures shall not be removed.

5. With the above directions, the Writ Petition is disposed of. Pending miscellaneous petitions shall stand closed.

10th December, 2018

P.NAVEEN RAO,J

Note :

Issue c.c. in three (3) days
B/o.
Rds