

THE HON' BLE SRI JUSTICE CHALLA KODANDA RAM

Writ Petition No.45785 of 2018

ORDER:

This Writ Petition is filed challenging the notice dated 07.12.2018 issued to the petitioner by the Gram Panchayat, Denduluru, West Godavari District, wherein he was directed to remove the obstructions which were constructed on the road, as they are coming in the way of laying the underground drainage pipelines.

2. Heard the learned counsel for petitioner, learned Government Pleader for Panchayatraj (A.P.) appearing for respondents 1 & 3, learned Government Pleader for Revenue (A.P.) for respondent No.2, and Sri K.K.Durga Prasad, learned Standing Counsel for respondent No.4 Gram Panchayat.

3. Learned counsel for the petitioner submits that the petitioner has not been issued any notice earlier. He further submits that on an earlier occasion, the petitioner approached this Court by filing W.P.No.43776 of 2018, wherein the respondents are directed to follow the due process of law. In spite of the said order, the impugned notice came to be issued on 07.12.2018.

4. Learned Government Pleader for Panchayatraj (A.P.) opposes the Writ Petition and submits that as a matter of

fact, the impugned notice discloses that earlier, the petitioner was issued notice to remove the constructions made on the road as they obstruct the laying of underground drainage pipelines. Learned Government Pleader further reiterates that in spite of the said notice, it is evident from the impugned notice that the petitioner has not chosen to do so and seven days' time prescribed therein was also expired. He further states that the petitioner approached this Court on the last day and moved Lunch Motion. Hence, he seeks time to get instructions.

5. Having regard to the respective submissions and keeping in view the order passed by this Court on 05.12.2018 in W.P.No.43776 of 2018, this Writ Petition can be disposed of at the admission stage. The petitioner shall treat the impugned notice dated 07.12.2018 as the notice issued to him and submit his explanation and objections, as to why the proposed action to remove the shops, which are alleged to be occupied on the road, shall not be removed. The petitioner undertakes to file such objections within ten (10) days from today. The respondent authorities shall consider the same within seven (7) days thereafter and pass appropriate orders in accordance with law specifically dealing with the objections raised by the petitioner. Till such time the orders are passed, no coercive

steps shall be taken by the respondents with respect to the petitioner's property.

Accordingly, this Writ Petition is disposed of. There shall be no order as to costs. Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

CHALLA KODANDA RAM, J

15.12.2018

Note: Dispatch the order copy forthwith
(B/ O)
MVA

