

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.46561 OF 2018

DATED :21.12.2018

Between :

Mohammad Munwar S/o.Abdullah,
Muslim, Aged about 70 yrs, R/o.D.No.4-198,
Venturu (V), Rayavaram (M),
East Godavari District & others.

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Petitioners

And

The Government of Andhra Pradesh,
Rep., by its Principal Secretary,
Revenue (Panchayat Raj) Department,
Secretariat at Velagapudi,
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 respondent No.3, learned Government pleader for Roads & Buildings for Respondent No.5, learned Government Pleader for Revenue for respondents 1, 2, 4, 6 and 7 and Sri K.K.Durga Prasad, learned Standing counsel for respondent No.8.

2. The notice dated 10.12.2018 is challenged in this writ petition. The challenge is primarily on the ground that though it is termed as a notice, it is in the form of final order directing the petitioners to remove the alleged encroachments. It appears, from the material on record W.P (PIL) No.367 of 2018 was filed alleging that there is delay or inaction on the part of 1st respondent therein in removing the encroachments on the public road, pursuant to survey and as per the list of encroachments furnished by the 5th respondent.

3. The Division Bench disposed of W.P.(PIL) No.367 of 2018, on 04.12.2018 granting liberty to petitioners to enclose copy of the said order along with the representation addressed to respondents 1 to 5 therein; to take further action as required in terms of the order pursuant to the communication dated 05.10.2018 addressed by the 2nd respondent to the 1st respondent therein, within two weeks from that date. Respondents 1 to 5 are directed to look into the alleged encroachments, follow the procedure prescribed by law, pass orders and then remove the encroachments within a further period of six weeks thereafter.

4. It appears, this notice is issued in pursuant to the directions of the Division Bench. However, it is contended by learned counsel for the petitioners that the notice is vague as to what are the encroachments alleged against the petitioners and the copy of survey reports dated 05.10.2018 and 28.11.2018 are not supplied to the petitioners.

5. Learned Standing counsel sought to contend that explanations were already filed and the Gram Panchayat would consider the explanations.

6. Having regard to the serious objection raised by learned counsel for the petitioners, this Court is in agreement with the said contention and no useful purpose would be served in directing the Gram Panchayat to pass orders in response to the explanations offered by the petitioners.

7. Having regard to the above, the notice impugned is set aside and the Writ Petition is allowed, granting liberty to the Venturu Gram Panchayat-8th respondent to cause proper notices listing out the alleged encroachments by the individual petitioners by enclosing copies of survey reports dated 05.10.2018 and 28.11.2018. On receipt of notices, petitioners shall file their objections. On due consideration of the objections, appropriate orders as directed by the Division Bench, shall be passed. Pending miscellaneous petitions shall stand closed.

P.NAVEEN RAO,J

21st December, 2018

Note :

Issue c.c. by 26.12.2018

B/o.

Rds