

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No. 15569 OF 2019

ORDER :

This writ petition is filed challenging the action of the 1st respondent in issuing notice dt.05.07.2019, wherein and whereby the petitioner was asked to shut down his water plant with immediate effect, or else action would be taken.

Learned counsel for the petitioner submits that the petitioner established the water plant after obtaining permission from the Gram Panchayat vide letter No.GPU.27/2018, dt.27.06.2018. But, the 1st respondent, without issuing any prior notice and without affording any opportunity of hearing to the petitioner, straightaway, issued the impugned notice, which is illegal. He also submits that if at all any licence is required, the petitioner will obtain the same from the Gram Panchayat.

Heard Sri G.Narender Reddy, learned Standing Counsel for 1st respondent and learned Assistant Government Pleader for Panchayat Raj.

A reading of the impugned notice goes to show that the same was issued to the petitioner asking him to shut down the water plant. Though the impugned proceedings are in the form of notice, it straightaway directs the petitioner to close down the water plant, which is in violation of principles of natural justice.

In view of the same, the petitioner is directed to file explanation treating the impugned notice as show cause notice, within a period of two weeks from today, and on such explanation being filed, the 1st respondent Gram Panchayat shall consider the same and pass appropriate orders after hearing the petitioner. Till passing of orders, the respondents shall not take any coercive steps against the petitioner. If petitioner fails to submit explanation within the stipulated period, it is open for the 1st respondent Gram Panchayat to pass appropriate orders and take action.

Accordingly, the writ petition is disposed of. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

01.08.2019

Note: Issue CC by 02.08.2019.

B/o.t k.

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