

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.18371 OF 2019

ORDER :

This writ petition is filed questioning the action of the 7th respondent, Kothaguda Gram Panchayat, in issuing the proceedings No.01/2019/GCC, dated 20.08.2019.

Brief case of the petitioners is that earlier they were issued notice dated 05.08.2019 intimating them to produce ownership papers, legal authority, if any, on 10.08.2019 at 10.00 am., in the Gram Panchayat Office, otherwise, necessary action will be taken as per law. Subsequently, second notice dated 17.08.2019 was also issued to them. In response to the said notice, petitioners stated to have submitted reply on 19.08.2019 pointing out that they would be losing their livelihood and requested them not to remove their shutters. It is also submitted that without considering and passing any orders on the reply dated 19.08.2019 of the petitioners, the 7th respondent, Kothaguda Gram Panchayat, straightaway issued impugned notice dated 20.08.2019 directing them to remove the shutters immediately within three days from the date of notice. Assailing the same, petitioners filed the present writ petition.

Learned counsel for the petitioners submits that without considering and passing any orders on the reply dated 19.08.2019 of the petitioners, the 7th respondent issued impugned notice directing the petitioners to remove their shops and thereby violated the principles of natural justice.

Heard learned Standing Counsel, Sri G.Narender Reddy, appearing for the 7th respondent. Learned Assistant Government Pleader appearing for the respondents 1, 2, 5 and 6.

Learned Standing Counsel appearing for the 7th respondent submits that the petitioners have not submitted the documents sought to be submitted in the notice issued to the petitioners.

It is obvious from the averments of the petitioners that in response to the notice of the respondent authorities, petitioners stated to have submitted their reply dated 19.08.2019 and without considering and passing any orders thereon, straightaway issued impugned notice directing them to remove the shops in question.

Having regard to the facts and circumstances of the case, this Court is of the view that before issuing the impugned notice, the 7th respondent could have passed an order taking into consideration the reply dated 19.08.2019.

In that view of the matter, this writ petition is disposed of directing the 7th respondent to consider the reply dated 19.08.2019 of the petitioner and pass appropriate orders and communicate the same to petitioners. Till passing of such orders, *status quo*, as on today, shall be maintained. There shall be no order as to costs.

As a sequel, interlocutory applications pending, if any, shall stand closed.

A.RAJASHEKER REDDY, J

Date: 26.08.2019
LSK

