

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

W.P.NO.21053 OF 2019

ORDER

The grievance of the petitioner is that without issuing any prior notice and opportunity, Chuchakota Gram Panchayath represented by its Panchayath Secretary, issued the impugned notice dated 19.09.2019 directing the petitioner to remove the compound wall to her house within a period of three days.

Learned counsel for the petitioner submits that petitioner submitted explanation on 20.09.2019 to the impugned notice, and without considering the same, the respondents are pressurizing the petitioner to remove the compound wall in the subject property.

Heard Sri G.Narender Reddy, learned Standing Counsel for respondents 2 and 3 and learned Government Pleader for Panchayat Raj for respondent No.1.

It is to be seen that if the petitioner is alleged to have constructed the compound wall encroaching the public road, she is required to be issued with notice affording opportunity and thereafter appropriate action in accordance with law has to be taken. But straightaway impugned notice cannot be issued for demolition, and this amounts to violation of principles of natural justice.

Since the petitioner is stated to have submitted her explanation on 20.09.2019 in pursuance of the impugned notice, without expressing any

opinion on merits, writ petition is disposed of directing the 2nd respondent / competent authority, to consider the said explanation, and after giving opportunity of hearing to the petitioner, shall pass appropriate orders in accordance with law. Till passing of such order, respondents shall not interfere with the subject property of the petitioner.

Interlocutory applications pending, if any, shall stand closed. No order as to costs.

A.RAJASHEKER REDDY,J

DATE:24—09—2019

Avs

Note:

Issue C.C. by today.

B/O
(AVS)

