

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

W.P.NO.21115 OF 2019

ORDER

Vide the impugned notice dated 13.09.2019 it is alleged that the petitioner has constructed the house by occupying the public road. In the impugned notice it is further stated that, in case the petitioner has constructed the house without occupying the public road, he is directed to produce necessary permissions, along with relevant documents. Aggrieved by the said notice, the present writ petition is filed.

Heard the learned counsel for the petitioner, learned Assistant Government Pleader for Panchayat Raj for respondents 1 and 2, and Sri G.Narender Reddy learned Standing Counsel for 3rd respondent – Gram Panchayat.

A reading of the impugned notice goes to show that the respondents are not sure whether the petitioner has encroached the public road, therefore, the burden is sought to be placed on him to prove the negative i.e., he has not made any encroachment. Further, the impugned notice is as vague as can be, and is incapable of filing any explanation.

In view of the same, the impugned notice is set aside. However, liberty is given to the 3rd respondent to issue fresh notice with necessary details, and after considering the explanation of the petitioner and giving opportunity of hearing, shall take appropriate action in accordance with law. Till such exercise is completed, the subject property of the petitioner shall not be interfered with.

Writ petition is accordingly disposed of.

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

A.RAJASHEKER REDDY,J

DATE:24—09—2019

Note:

Issue C.C. by tomorrow.

B/O
(AVS)

