

THE HON'BLE SRI JUSTICE T.VINOD KUMAR

WRIT PETITION No.4506 of 2020

ORDER:

The present Writ Petition is filed to declare the action of respondents not to interfere with the petitioner's land in Sy. No.76/a admeasuring 4353.97 square metres equivalent to 5203 square yards without following due process of law as illegal, capricious, improper, arbitrary and unconstitutional.

2. Heard Sri P. Chenchuramaiah, learned Counsel for the petitioners, learned Government Pleader for Panchayat Raj and learned Standing Counsel for Gram Panchayat.

3. Learned Standing Counsel placed before this Court the record relating to the developmental activities that are being undertaken in the said plot of land without obtaining any proper sanction or approval from the concerned authorities. The said record as produced before this Court indicates that on more than two occasions when certain development activities were sought to be undertaken in the said land in the form of laying of roads, putting up electrical poles and undertaking certain constructions, the authorities have issued notices and also taken steps to remove the same. Learned Standing Counsel submits that an FIR was also lodged for undertaking illegal lay out development in Sy. Nos.75, 76, 78 and 85 of Palamakole village and against G.O.Ms. No.111. As the petitioners are periodically resorting to taking up certain development works in the above land, the respondent authorities are taking steps to remove the same as and when such activities are undertaken.

4. Learned Counsel for the petitioner on the other hand submits that the petitioners would not take up any development activity in the said land and also not act in violation of G.O.Ms. No.111, would only carry on agricultural activities therein.

5. Having regard to the above said submission made, in the event if the petitioners takes up any development activity in the said land without obtaining any proper sanction from the authorities concerned and act in violation of G.O.Ms. No.111 as well, the 3rd respondent authority shall take necessary action in accordance with law. In the event if the petitioners violate the said undertaking given before this Court, as noted hereinabove, and resorts to any action in violation of the above, the respondent Gram Panchayat is free to initiate appropriate contempt proceedings for disobedience of this order.

6. Subject to the above, the Writ Petition is closed. No order as to costs.

7. As a sequel thereto, the miscellaneous petitions pending, if any, shall stand closed. No order as to costs.

JUSTICE T.VINOD KUMAR

Date: 03.03.2020

MRKR