

THE HON'BLE SRI JUSTICE T.VINOD KUMAR

WRIT PETITION No.23978 of 2019

ORDER:

The present writ petition is filed to declare the action of respondents 3 to 5 in interfering with the peaceful possession of the petitioner with regard to his plot admeasuring 614 square yards, bearing No.4 part and 45 part in Survey Nos.308/part, 307 and 306/part (*vide* document No.1853/2019) and another plot, admeasuring 614 square yards, bearing Nos.4 part and 45 part in Survey Nos.308/part, 307 and 306/part (*vide* document No.1854/2019), situated at Aushapur Village and Gram Panchayat, Ghatkesar Mandal, Medchal-Malkajgiri District, without issuing any notice and without following due process of law, as illegal and arbitrary.

2. Heard Sri G.Madhusudhan Reddy, learned counsel for the petitioner, learned Government Pleader for Panchayat Raj, appearing for respondents 1 and 2, and Sri G.Narender Reddy, learned standing counsel for the Gram Panchayat, appearing for respondents 3 and 4, and learned Assistant Government Pleader for Home, appearing for respondent 5.

3. A counter-affidavit on behalf of respondent 4 is filed, to which, a reply has also been filed by the petitioner.

4. It is the case of the petitioner that the respondent authorities are trying to interfere with the petitioner's possession of the land in Plots No.4 part and 45 part forming part of layout without issuing any notice or following due process of law.

5. On the other hand, Sri G.Narender Reddy, learned standing counsel for the Gram Panchayat, disputes the claim of the petitioner and submits

that the 4th respondent has issued a notice regarding illegal construction to the petitioner, *vide* Letter No.GPA/02/2019, dated 30.10.2019, which has been served on the supervisor of the petitioner, wherein it is stated that the petitioner undertook construction of a compound wall in the said plot, which is park area of Gram Panchayat, without obtaining any permission from the Gram Panchayat authorities. Further, learned standing counsel would submit that the petitioner is undertaking construction of a compound wall in the area which is earmarked for park, and therefore, the authorities have issued the notice calling upon the petitioner to stop the work and also offer his explanation in writing within seven days. Learned standing counsel also submits that though the said notice having been received, the petitioner did not offer any explanation thereto till date.

6. Learned counsel for the petitioner submits that the notice dated 30.10.2019 stated to have been issued by the 4th respondent has not been served on him and since, the said notice has been placed before this Court through the counter, the petitioner may be given some time to offer his explanation thereto.

7. Having regard to the said submission made by the learned counsel for the petitioner, since no further action is taken, this Court is of the view that the petitioner may be directed to offer his explanation to the notice dated 30.10.2019 within seven days hereof, whereupon, the respondent authorities shall take into consideration the explanation that may be offered by the petitioner and initiate further action thereon in accordance with law.

8. The writ petition is accordingly disposed of. Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

JUSTI CE T.VI NOD KUMAR

Date:31.01.2020

Note:

Issue C.C. by 06.02.2020

(B/o)

GJ

