

THE HON'BLE SRI JUSTICE T.VINOD KUMAR

WRIT PETITION No.29158 OF 2019

ORDER:

The present Writ Petition is filed to declare the order dated 18.11.2019 passed by the 3rd respondent in directing the petitioner to remove the illegal constructions forthwith, failing which the Panchayat Secretary shall initiate appropriate further action, as illegal, unreasonable and in violation of principles of natural justice.

Heard Sri P. Vishnuvardhana Reddy, learned Counsel for the petitioners and learned Government Pleader for Panchayat Raj and Sri G. Narender Reddy, learned Standing Counsel for Gram Panchayat.

It is the case of the petitioners that the petitioners in response to the notice issued by the 3rd respondent dated 11.11.2019, which is served on the petitioner on 14.11.2019, has submitted his explanation thereto on 18.11.2019. Without considering the objections filed by the petitioner by the said representation dated 18.11.2019, the 3rd respondent authority passed the impugned order, which the learned Counsel for the petitioner submits is in violation of principles of natural justice.

On the other hand, learned Standing Counsel for the 3rd respondent submits that a notice dated 11.11.2019 had been issued to the petitioner, pursuant to the orders passed by this Court in W.P. No.15857 of 2019 calling upon the petitioner to file objections between 11.11.2019 and 15.11.2019 and since the petitioners did not file objections, the 3rd respondent authority

passed the impugned order on 18.11.2019 and thus the authority did not violate the principles of natural justice and has afforded adequate opportunity to the petitioner.

It is to be seen that though the impugned order is stated to have been passed after issuing notice to the petitioner dated 11.11.2019, affording sufficient time to the petitioner to file his objections thereto i.e., upto 15.11.2019 (four days), the said notice dated 11.11.2019, was served on the petitioner only on 14.11.2019, thereby leaving only a day for the petitioner to file his objections before the date as specified in the notice, while the notice contemplates giving four days time to the petitioner to comply with the objections. Without going further into the issue as to when the impugned order dated 18.11.2019 served on the petitioners, this Court is of the view that since the impugned notice is served on the petitioner on 14.11.2019 to which the petitioner has submitted his objections on 18.11.2019, the same need to be considered by the authority. Accordingly, the impugned order dated 18.11.2019 is set aside and the 3rd respondent authority is directed to consider the representation/objections filed by the petitioner to the notice dated 11.11.2019 on 18.11.2019 and pass orders afresh in accordance with law, after affording opportunity of personal hearing to the petitioner.

Accordingly, the Writ Petition is allowed as above. No order as to costs.

Accordingly, the Writ Petition is closed. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

JUSTICE T.VINOD KUMAR

Date: 23.01.2020.

MRKR

