

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.2349 of 2021

ORDER

This Writ Petition is filed seeking the following relief:

“To issue an order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in issuing the impugned notices in file No.GP/02/2021, dated 20-01-2021 and in file No GP/04/2021 to GP/09/2021 dated 24012021, by the 2nd respondent-Grampanchayat in ordering to demolish the sheds constructed by the petitioners in Sy.No.6/2 at Huggeli Village, Zaheerabad Mandal, Sangareddy District, though the said land is private patta land of the petitioners and though the petitioners have not made any construction on road margin of NH9, without giving any notice and opportunity as illegal, unlawful, contrary to law and consequently direct the respondents not to cause any demolition of the sheds of the petitioners without following due process of law, and pass such other order or orders which are necessary in the interest of justice.”

Heard learned counsel appearing for the respective parties.

It is the case of the petitioners that they are the owners of agricultural lands in an extent of Ac.2.39 guntas in Sy.No.6/2 at Huggeli Village. They have acquired the said property by way of registered sale deed. After obtaining necessary permission for conversion of agricultural lands into non-agricultural lands, the petitioners have constructed the sheds in the compound wall. Thereafter, the respondent-Gram Panchayat has issued a notice on 20-01-2021 stating that without obtaining any permission from the Gram Panchayat, the petitioners have constructed the sheds in the compound wall. Subsequently, the respondent-Gram Panchayat has issued another notice on 24.01.2021 directing

the petitioners to stop the construction and obtain construction permission from the Gram Panchayat. Pursuant to the same, the petitioners have submitted a detailed explanation to the Gram Panchayat on 29.01.2021. Since respondent-Gram Panchayat refused to receive the explanation submitted by the petitioners, the petitioners have sent the explanation by way of registered post on 30-01-2021.

The grievance of the petitioners is that having issued notice to the petitioners, respondent-Gram Panchayat is not accepting the explanation submitted by them and trying to threaten them for demolition of structures erected by them.

Learned counsel appearing for the petitioners contended that let the respondent-Gram Panchayat take into account the explanation submitted by the petitioners on 29-01-2021 and pass appropriate orders in accordance with law.

Learned Standing Counsel appearing for the respondent Nos. 2 to 4 contended that since the petitioners have already submitted an explanation on 29-01-2021 in pursuance to the notices dated 20-01-2021 and 24-01-2021, the respondents would consider the same and pass appropriate

orders in accordance with law. Till the Gram Panchayat passes appropriate orders on the explanation submitted by the petitioners, the petitioners may be directed not to make any further constructions in the subject land.

Having considered the rival submissions made by the learned counsel for the respective parties, this Court is of the view that this Writ Petition can be disposed of directing the respondent-Gram Panchayat to consider the explanation submitted by the petitioners on 29-01-2021 in pursuance to the notices issued on 20-01-2021 and 24-01-2021 and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order, in accordance with law. Till such time, the respondent-Gram Panchayat shall not interfere with the property of the petitioners. However, it is made clear that the petitioners also shall not make any further constructions in the subject land.

Accordingly, the Writ Petition is disposed of. No costs.

Miscellaneous petitions, pending, if any shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

Date: 4.02.2021

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