

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.26194 of 2016

ORDER:

This writ petition is filed seeking the following relief:

“.... to a writ, order or direction, more particularly, one in the nature of Writ of Mandamus declaring the action of the respondent No.4 in issuing impugned Notice No.12/GPElegaon/2016, dt.16.7.2016 asking the petitioner to vacate the house site an extent of 20 x 30 feet, North: Girala Project Canal, South: Z.P. Road, East: Land of Muthyam and West: Road situated at Elegaoon Gram Panchayat of Bhainsa Mandal, Adilabad District, is illegal, arbitrary and contrary to the Provisions of A.P. Panchayat Raj Act and without jurisdiction and violation of Fundamental Rights guaranteed under the Constitution of India, and consequently, direct the respondent No.4 not to interfere/disposes the petitioner above house site and pass such other order or orders”

Heard Sri A. Jagan, learned counsel appearing for the petitioner and Sri G. Narender Reddy, learned Standing Counsel appearing for the respondent – Gram Panchayat.

It has been contended by the petitioner that he is the owner of an extent of 20 x 30 feet of land, situated at Elegaoon Gram Panchayat, Bhainsa Mandal, Adilabad District. As the respondents are trying to interfere with his peaceful possession and enjoyment over the said land by issuing impugned Notice dated 16.07.2016 asking the petitioner to vacate the said premises, the petitioner has filed the present writ petition.

Learned counsel for the petitioner had contended that this Hon'ble Court was pleased to grant interim suspension of impugned Notice dated 16.07.2016 vide order dated 08.08.2016. Learned counsel would further contend that let the respondents follow the due process of law and take appropriate action against the petitioner, if he has really violated any of the provisions of law.

Learned Standing Counsel for the respondent Gram Panchayat contends that without following the due process of law, the respondents would not interfere with the possession and enjoyment of the petitioner over the subject land.

This Court, having considered the rival submissions made by learned counsel for the respective parties, is of the considered view that this writ petition can be disposed of directing the respondents not to interfere with the possession and enjoyment of the petitioner over the subject land without following due process of law and without issuing any and opportunity to the petitioner. However, liberty is given to the respondents to initiate appropriate action against the petitioner by following due process of law, if the petitioner has really violated any of the provisions of law.

With the above observations, this writ petition is disposed of. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

12.02.2021.
Msr



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