

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
(Special Original Jurisdiction)

TUESDAY, THE THIRTY FIRST DAY OF OCTOBER
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

WRIT PETITION NO: 1312 OF 2023

Between:

M.Murlidhar, S/o. Narasaiah, Indian, aged 65 years, Occ. Agriculture, R/o.
Kucharam Village, Manoharabad Mandal, Medak District.

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary, Panchayat Raj Department, Secretariat, Hyderabad.
2. The District Collector, Medak, Medak District.
3. Gram Panchayat, Kucharam Village, Manoharabad Mandal, Medak District, Rep. by its Panchayat Secretary.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 3rd Respondent pursuant to notice in letter No.19/GPK/2022 dated 05-01-2023 as null, void, illegal, arbitrary.

IA NO: 1 OF 2023

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to stay all further proceedings to pursuant to the notice in Letter No.19/GPK/2022 dated 05-01-2023 including removal of container kept in Sy.No.228/A1/2 of Kucharam Village, Manoharabad Mandal, Medak District, pending disposal of the writ petition.

Counsel for the Petitioner: SRI K.DURGA PRASAD

Counsel for the Respondent No.1: AGP FOR PANCHAYAT RAJ

Counsel for the Respondent No.2: AGP FOR REVENUE

Counsel for the Respondent No.3: SRI R.CHANDRASHEKAR REDDY,
SC FOR ZP, MP & GP

The Court made the following: ORDER

HON'BLE SRI JUSTICE J. SREENIVAS RAO

WRIT PETITION No.1312 of 2023

ORDER:

This writ petition is filed seeking the following relief:

"to issue a writ of Mandamus, declaring the action of the 3rd respondent pursuant to notice in letter No.19/GPK/2022 dated 05.01.2023 as null, void, illegal and arbitrary."

2. With the consent of the respective parties, this writ petition is disposed of at the stage of admission.

3. Heard Sri K.Durga Prasad, learned counsel for the petitioner, learned Assistant Government Pleader for Panchayat Raj for respondent No.1, learned Assistant Government Pleader for Revenue for respondent No.2 and Sri R.Chandrashekar Reddy, learned Standing Counsel for respondent No.3.

4. Learned counsel for the petitioner submits that the petitioner kept the container in his land in Survey No.228/U/6/1, Kucharam, Manoharabad Mandal, Medak District and without verifying the same, respondent No.3 - Gram Panchayat has issued impugned notice on 05.01.2023 basing on the complaint lodged by one K.Veerender, dated 23.12.2022, which is contrary to law.

5. Per contra, learned Standing Counsel appearing for respondent No.3 submits that the petitioner without submitting any explanation, straightaway approached this Court and therefore, the writ petition filed by the petitioner questioning the show-cause notice is not maintainable under law. Learned Assistant Government Pleaders appearing for respondent Nos.1 and 2 also reiterated the very same submissions.

6. Having considered the rival submissions made by the respective parties and on perusal of the record, it reveals that respondent No.3 – Gram Panchayat has issued impugned notice on 05.01.2023 directing the petitioner to remove the container from the land in Survey No. 228/U/6/1, Kucharam, Manoharabad Mandal, Medak District, even without issuing show-cause notice and offer explanation, and the same is clear violation of principles of natural justice.

7. For the foregoing reasons, the impugned notice dated 05.01.2023 is treated as show-cause notice, and the petitioner is permitted to submit explanation within a period of four (04) weeks from the date of receipt of a copy of this order, and on such explanation, respondent No.3 is directed to consider the same and

pass appropriate orders in accordance with law, after giving opportunity including personal hearing to the petitioner, within a period of eight (08) weeks from thereafter and till such time, respondents are directed not to take any coercive steps against the petitioner, pursuant to the impugned notice.

8. With the above directions, the writ petition is disposed of accordingly. No costs.

Miscellaneous applications, pending if any, shall stand closed.

SD/-P. PADMANABHA REDDY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Panchayat Raj Department, Secretariat, Hyderabad, State of Telangana.
2. The District Collector, Medak, Medak District.
3. The Panchayat Secretary, Gram Panchayat, Kucharam Village, Manoharabad Mandal, Medak District.
4. One CC to SRI K.DURGA PRASAD, Advocate [OPUC]
5. One CC to SRI R.CHANDRASHEKAR REDDY, SC FOR ZP, MP & GP [OFUC]
6. Two CCs to GP FOR REVENUE, High Court for the State of Telangana at Hyderabad [OUT]
7. Two CCs to GP FOR PANCHAYAT RAJ RURAL DEV, High Court for the State of Telangana at Hyderabad [OUT]
8. Two CD Copies

BSR

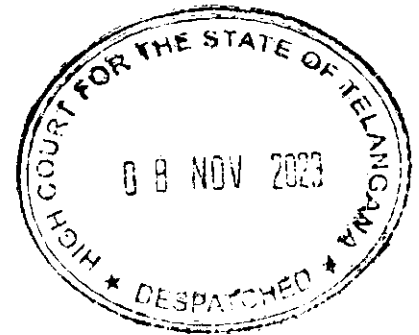
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HIGH COURT

DATED: 31/10/2023

ORDER

WP.No.1312 of 2023



**DISPOSING OF THE WRIT PETITION,
WITHOUT COSTS**

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MA
8/11/23