

THE HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

WRIT PETITION No.33005 of 2017

ORDER:

Heard learned counsel for the writ petitioner and also the learned Government Pleader for Panchayat Raj, Revenue and the learned Standing Counsel for the Gram Panchayat, representing the respondents and perused the prayer in the writ petition with supporting affidavit and the notice issued by the 4th respondent Panchayat, dated 20.09.2017, acknowledged and received by the petitioner on 21.09.2017.

No doubt, as contended by the counsel for the petitioner there is no opportunity to the petitioner to give a reply to the show cause notice, but for directly saying the Panchayat is going to remove the construction in question. In fact, a notice is required to be issued to remove the unauthorized construction, if any, else to explain and if failed to do then only the question of removal by the Panchayat arises.

Having regard to the above, said notice, dated 20.09.2017, is treated as a show cause notice and not a final notice by enabling the petitioner to give any explanation/reply within ten (10) days from today and there from the Gram Panchayat shall pass appropriate orders on considering such reply on own merits and in the meantime, the existing construction, under the claim of unauthorized construction, shall not be demolished.

Accordingly, the Writ Petition is disposed of. No order as to costs. Consequently, miscellaneous petitions, pending if any in the writ petition, shall stand closed.

Dr. B.SIVA SANKARA RAO, J

September 27, 2017

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