

THE HON'BLE SRI JUSTICE R. RAGHUNANDAN RAO

W.P.No.8311 of 2022

ORDER

The petitioner claims ownership and possession over the house bearing D.No.1-242, Indira Nagar, Chebrolu, Unguturu Mandal, West Godavari District. The petitioner contends that this house has been constructed more than 30 years ago on Gramakantam land and he has been paying tax on the said house to the Gram Panchayat. The petitioner submits that the front part of the said house is being used as a Chicken shop and he has been paying additional fees to the Gram Panchayat, as industries and factories fees, apart from using electricity service connection for the said purpose.

The petitioner has approached this Court aggrieved by the impugned notice dated 14.02.2022 issued to the petitioner by the 4th respondent. In this notice, the petitioner was called upon to vacate the house in his possession within 48 hours failing which the Gram Panchayat would take steps to remove the said house at the cost of the petitioner.

Sri G. Sai Narayana Rao, learned counsel appearing for the petitioner would submit that the said notice is actually an order of demolition passed without any opportunity of hearing being given to the petitioner enabling him to set out his case before the Gram Panchayat.

A perusal of the impugned notice dated 14.02.2022 would show that the said notice has been issued without any opportunity being given to the petitioner to remove the structure within 48 hours failing which the same shall be removed by the Gram Panchayat at the cost of the petitioner. This order does not appear to have been passed after giving due opportunity of hearing to the petitioner. In the circumstances, the

impugned notice dated 14.02.2022 clearly suffers from violation of principles of natural justice and requires to be set aside.

Accordingly, the writ petition is allowed setting aside the notice dated 14.02.2022 issued by the 4th respondent, leaving it open to the 3rd respondent-Gram Panchayat and the 4th respondent to issue appropriate notice and to pass orders on the said notice, after due opportunity of hearing being given to the petitioner. Needless to say, the said order should contain reasons. There shall be no order as to costs.

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

R. RAGHUNANDAN RAO, J.

31st March, 2022
Js.

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Js