

IN THE HIGH COURT OF ANDHRA PRADESH : AMARAVATI

THE HON'BLE SRI JUSTICE SUBBA REDDY SATTI

WRIT PETITION No.20621 OF 2023

Parapati Rambabu S/o China Papaiah Reddy @ Papaiah Reddy,
Aged:48 years, Occ: Cultivation, R/o Parapathivani peta, Polaki
Mandal, Srikakulam District.

... Petitioner

Versus

The State of Andhra Pradesh, Represented by its Principal
Secretary to Government, Panchayat raj Department,
Secretariat, Velagapudi, Amaravati, Guntur District and two
others.

... Respondents

Counsels for the petitioner : Sri Umasankar Lokanadham

Counsel for respondents : GP for Panchayat raj and Rural
Development

ORDER

The present writ petition is filed seeking to declare the
notice vide Rc.No.01/2023 dated 19.07.2023, issued by
Panchayat Secretary of the 3rd respondent as illegal and
arbitrary.

2. In the affidavit, petitioner contended that he is the owner
and possessor of land to an extent of Ac.2.43 cents in
Sy.No.338/5 of Dandulaxmipuram of Polaki Mandal of

Srikakulam District and it is his ancestral property. Notice impugned in the writ petition was issued by Panchayat Secretary of the 3rd respondent, stating that petitioner encroached, an extent of Ac.1.05 cents out of Ac.14.75 cents in Sy.No.341-1 of Polanki Mandal, Dandu Lakshmipuram revenue village and directed the petitioner to remove the encroachment.

3. Heard Sri Umasankar Lokanadham, learned counsel for the petitioner, learned Government Pleader for Panchayat Raj and Rural Development appearing for respondent No.1 & 2 and Sri N.Srihari, learned Standing Counsel appearing for respondent No.3.

4. A perusal of the notice impugned in the writ petition, would indicate that the petitioner encroached an extent of Ac.1.05 cents in Sy.No.341/1. Hence, the notice was issued directing the petitioner to remove the encroachment within 15 days, or else necessary action will be initiated under Section 98 (1) and Section 103 of Andhra Pradesh Panchayat Raj Act, 1994. No show-cause notice was issued preceding the notice impugned in the writ petition.

5. Learned Standing Counsel appearing for the 3rd respondent would submit that the notice impugned be treated as show-cause notice.

6. In view of the submission made by learned Standing Counsel, the notice impugned shall be treated as show cause notice. Petitioner shall submit explanation within three (3) weeks from today by annexing necessary documents. Upon submitting of explanation by the petitioner, the Panchayat Secretary of the Village shall pass reasoned order and communicate the same to the petitioner. Till such time, the 3rd respondent shall not take any coercive steps, pursuant to the notice vide Rc.No.01/2023 dated 19.07.2023.

7. With the above direction, the Writ Petition is disposed of. There shall be no order as to costs.

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

JUSTICE SUBBA REDDY SATTI

Date : 14.08.2023
BSK

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