

HON'BLE SRI JUSTICE R. RAGHUNANDAN RAO

WRIT PETITION No.2972 of 2023

ORDER:

It is the case of the petitioners that they have constructed the houses/shops and are in occupation of these houses/shops since 20 years in Sy.No.636-10 of Amarapuram Village and Mandal, Sri Satya Sai District.

2. The petitioners had initially received notices dated 21.11.2022, issued by the 4th respondent, calling upon the petitioners to show cause why their houses/shops should not be demolished as they are in occupation of sites near R & B Road. Upon receipt of these notices, the petitioners are said to have appeared before the 4th respondent along with their documents of title and occupation which were shown to the 4th respondent. As there was no further action, the petitioners had assumed that the 4th respondent was satisfied with the explanation given by the petitioners.

3. The petitioners have now approached this Court with the complaint that the 4th respondent had suddenly issued the impugned notice dated 23.01.2023, calling upon the petitioners to remove the constructions made by them

failing which steps would be taken to demolish the said constructions within a period of seven days.

4. The petitioners contend that the said action is clearly arbitrary, highhanded and without any opportunity to the petitioners and as such is violative of Articles 14, 19 and 21 of the Constitution of India.

5. The learned Government Pleader for Panchayat Raj would submit that notices were issued to the petitioners and action is being initiated only after adequate opportunity had been given to the petitioners. He would submit that in such circumstances, there is no irregularity or impropriety in the steps being taken by the respondents. As there appears to be a grievance, on the part of the petitioners, that they have not been given an adequate opportunity of hearing, it would only be appropriate to direct the respondents to give another opportunity of hearing to the petitioners by treating the impugned notice dated 23.01.2023 as a show cause notice being given to the petitioners.

6. In that view of the matter, this Writ Petition is disposed of with the following conditions:-

- i) The notice dated 23.01.2023 shall be treated as a show cause notice given to the petitioners;
- ii) It would be open to the petitioners to file their objections along with such material as they may deem fit, before the 4th respondent within a period of three weeks from today;
- iii) The 4th respondent, within a period of four weeks from the date on which the petitioners file their responses or within four weeks from the date on which the three weeks time granted to the petitioners elapses, shall pass appropriate orders;
- iv) The petitioners shall also be entitled to an opportunity of personal hearing before any decision is taken;
- v) The 4th respondent shall also place on record, the provision of law under which he is proceeding against the petitioners.
- vi) No coercive steps shall be taken against the petitioners until the aforesaid process is completed

and only in the event of any adverse orders being passed against the petitioners.

There shall be no order as to costs.

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

07.02.2023
BSM

R. RAGHUNANDAN RAO, J.

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