

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No. 17863 of 2015

Date: 18.06.2015

Between:

Buraada Ramana Murthy and others.

.... Petitioners

And

State of Andhra Pradesh,
Rep. by its District Collector,
Srikakulam District and others.

... Respondents

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ORDER:

This Writ Petition was filed assailing the notices dated 30.05.2015 issued under Section 6 of the Andhra Pradesh Land Encroachment Act, 1905 (for brevity 'the Act of 1905').

2. This Court would not interfere with a notice issued under Section 7 of the Act of 1905, as it is for the addressee of such notice to appear before the authority

and putforth his/her case.

3. In the present case, it appears that in response to the Section 7 notice dated 18.05.2015, the petitioners submitted their explanation which were received on 25.05.2015. Thereupon, the Tahsildar, Santhakaviti Mandal, Srikakulam District, passed final orders, under Section 6 of the Act of 1905, on 30.05.2015. However, perusal of the said order does not even indicate that the petitioners' explanation was taken into consideration. Further, no reasons are forthcoming therefrom as to why the authority passed the said orders. When explanations were called for and the authority exercised quasi-judicial powers, it was incumbent upon it to record reasons while passing the final orders. The orders in the present case fall woefully short as regards this aspect.

4 .The orders dated 30.05.2015 passed by the Tahsildar, Santhakaviti Mandal, Srikakulam District, are accordingly set aside and the matter is remitted to his file to pass appropriate reasoned orders in the matter, duly taking into consideration the petitioners' explanations which were received on 25.05.2015.

5. The Writ Petition is therefore allowed in part to the extent indicated above.

6. Pending Miscellaneous Petitions shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

Date: 18.06.2015

NOTE: Issue C.C. today.

(B/O)

Msr

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