

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA PRADESH

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WRIT PETITION No. 34188 of 2015

BETWEEN

M.Tirupathi Rao

... PETITIONER

AND

The State of Andhra Pradesh, rep. by its Principal Secretary and others

...RESPONDENTS

Date of Order pronounced: 14.10.2015

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

1. Whether Reporters of Local newspapers Yes/No

may be allowed to see the Judgments?

2. Whether the copies of judgment may be Yes/No

marked to Law Reporters/Journals?

3. Whether his Lordship wish to see the Yes/No

fair copy of the Judgment?

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ORDER:-

Heard learned counsel for the petitioner and learned government pleader for revenue.

2. Petitioner is aggrieved by the notice of eviction given by the Revenue Divisional Officer (RDO), which is impugned in this writ petition. Petitioner states that the said notice is issued on the directions of the Hon'ble Lokayukta and the petitioner was never put to any notice and had no opportunity to explain his case to substantiate that there is no encroachment by him.

3. It is apparent from the impugned eviction notice that there was no prior notice to the petitioner and the proceedings appear to have been taken from the directions of Lokayukta. Since the petitioner has not given any prior notice, the impugned proceedings are on the face of it violative of principles of nature justice. However, in stead of setting aside the said order, it is appropriate to treat the said eviction notice as a show cause notice giving liberty to the petitioner to submit his explanation before the third respondent within two weeks from today and after considering the said representation, the third respondent shall pass appropriate orders. Obviously, therefore, the present eviction notice shall not be enforced till appropriate orders are passed by the RDO as directed above.

With the above direction, writ petition is disposed of.

As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

VILAS V. AFZULPURKAR, J

October 14, 2015

LMV