

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.25191 of 2015

BETWEEN

S. Govinda Rao and two others.

... PETITIONERS

AND

The Principal Secretary, Revenue Department, Secretariat, Government of
Andhra Pradesh, Hyderabad and others.

...RESPONDENTS

DATE OF JUDGMENT PRONOUNCED: 24.08.2015

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

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| 1. | Whether Reporters of Local newspapers
may be allowed to see the Judgments? | No |
| 2. | Whether the copies of judgment may be
marked to Law Reporters/Journals? | No |
| 3. | Whether Their Ladyship/Lordship wish to
see the fair copy of the Judgment? | No |

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ORDER:

This writ petition though filed by three petitioners, as per the orders of this Court dated 11.08.2015, the writ petition is entertained only to the extent of the first petitioner.

2. Petitioner No.1 is aggrieved by the notice dated 30.07.2015 issued under Section 6 of the A.P. Land Encroachment Act, 1905 (for short 'the Act') directing eviction of the petitioner from Ac.0.47 cents of land in Sy.No.340 of G. Koduru Village on the ground that the petitioner No.1 was found to be in unauthorized occupation of the Government land.

3. The impugned notice is questioned on the ground that straightaway Section 6 notice is issued without any notice under Section 7 of the Act and that no opportunity is afforded to the petitioner No.1 to submit explanation. It is also questioned on the ground that no reasoned order is passed.

4. Learned Government Pleader for Revenue, who was required to be get instructions as to whether any reasoned order is passed under Section 6 of the Act by the fourth respondent, submits that no such reasoned order is passed.

5. It is also, in fact, evident from the impugned order that no Section 7 notice was issued to petitioner No.1 and obviously, therefore, opportunity to submit explanation was also not given. Hence, there is no option but to set aside the impugned notice under Section 6 of the Act. However, the fourth respondent is at liberty to follow due process of law, if he intends to take any action against petitioner No.1 by issuing appropriate notice under Section 7 of the Act and give an opportunity to petitioner No.1 to file explanation and then, pass a reasoned order under Section 6 of the Act or such order, as he deems appropriate.

The writ petition is allowed. As a sequel, the miscellaneous

applications, if any, shall stand closed. There shall be no order as to costs.

VILAS V. AFZULPURKAR, J

August 24, 2015
DSK