

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.34043 of 2015

ORDER:

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Heard.

The petitioner questions the notice issued by the 4th respondent under Section 6 of the A.P.Land Encroachment Act, 1905 (for short 'the Act') primarily on the ground that the said notice is not preceded by any proceedings under Section 7 of the Act and there is no opportunity to him to submit explanation. The allegation of encroachment is also denied by the petitioner.

Learned Government Pleader was required to get instructions and he fairly submits, on instructions, that no notice under Section 7 of the Act notice is issued to the petitioner and thereby, the impugned notice under Section 6 of the Act without complying with Section 7 of the Act cannot be sustained.

In view of that, since the eviction of the petitioner cannot be resorted to without following due process under Section 7 of the Act, the impugned notice under Section 6 of the Act is treated as notice under Section 7 of the Act and the petitioner is given liberty to file explanation within two weeks from today and after considering the same, the 4th respondent shall pass appropriate orders in accordance with law under the Act.

Accordingly, the writ petition is disposed of. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

VILAS V.AFZULPURKAR, J

Date: 28-10-2015

Prv

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