

HON'BLE SRI JUSTICE S.V. BHATT

WRIT PETITION No.5906 OF 2015

ORDER:

The petitioners assail the notices dated 12.01.2015 issued by 5th respondent in Form-A under Section 4(1) of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971, as illegal, arbitrary and unconstitutional.

The learned counsel appearing for the parties submit that the grievance in the writ petition is similar to the grievance canvassed in W. P. No.5458 of 2015. In W.P.No.5458 of 2015, this Court directed survey of land belonging to Railway and the land for which possession certificates were granted to petitioners.

The reasons stated in W.P. Nos.5458 of 2015 and 5393 of 2015 are applicable to the case on hand. The writ petition is ordered by giving liberty to 1st and 5th petitioners to file explanation/objections to the impugned notice within two weeks from the date of receipt of a copy of this order. The 5th respondent affords opportunity to petitioners and passes appropriate orders in accordance with law.

As regards petitioners 2, 3, 4, 6, 7 and 8 are concerned, the notices are issued in respect of alleged encroachment in Survey No.2048. From the report dated 02.04.2015, it is evident the 5th respondent does not have jurisdiction in respect of Survey No.2048. The land in possession of petitioners is stated to be covered by Survey No.2052. The notices are set aside and the respondents are given liberty to issue fresh notices in accordance with law and are free to proceed to remove alleged encroachments.

The writ petition is ordered as indicated above. No order as to costs.

Miscellaneous petitions, if any, pending in the writ petition shall stand closed.

S.V.BHATT, J

Date:28.04.2015

Stp

