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

WRIT PETITION Nos.23967 and 23968 of 2015

WRIT PETITION No.23967 of 2015

Between:

Alapathi Satyanarayana and another

…Petitioners

and

State of Andhra Pradesh and others

…Respondents

DATE OF JUDGMENT PRONOUNCED: 07.08.2015

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

1. Whether Reporters of Local newspapers may be allowed to see the Judgments? Yes/No

2. Whether the copies of judgment may be marked to Law Reporters/Journals? Yes/No

3. Whether Their Ladyship/Lordship wish to see the fair copy of the Judgment? Yes/No

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION Nos.23967 and 23968 of 2015

COMMON ORDER:

Both these Writ Petitions are directed against separate notices issued to the petitioners under Sections 7 and 6 of the Land Encroachment Act, 1905 (for short 'the Act') alleging that they have encroached part of the Government land. Both the petitioners have given detailed explanation denying the same.

On 31.07.2015, both the Writ Petitions were adjourned to this date requiring the learned Government Pleader to verify whether any reasoned order is passed. Today, the learned Government Pleader is unable to get instructions. However, it is apparent that except *pro forma* notices issued under Sections 6 and 7 of the Act, which are impugned in both these Writ Petitions, the explanation of each of the petitioners is neither considered nor any reasoned order is passed. Since the scheme of the Act envisages that the Tahsildar shall consider the explanation submitted in response to the notice issued under Section 7 of the Act and pass appropriate orders, the impugned notices under Section 6 of the Act therefore cannot be sustained.

The impugned notices under Section 6 of the Act are accordingly set aside and both the Writ Petitions are allowed. The matter is however remitted to the third respondent to proceed from the stage of consideration of explanation of each of the petitioners submitted in response to the impugned notices. The third respondent shall consider the same and pass a reasoned order in accordance with law.

Miscellaneous Petitions, if any pending in both these Writ

Petitions shall stand closed. No order as to costs.

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VILAS V.AFZULPURKAR, J

7th AUGUST, 2015.

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