

THE HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.41674 OF 2015

ORDER:

This writ petition is directed against the notice issued by the 3rd respondent to the petitioners in R.O.C.No.A/449/2015, dated 16.12.2015 requiring them to show cause why should not be evicted. The said notice also mentions in the last paragraph to evict the petitioners within seven days.

Notice itself is issued on contending that the petitioners are encroachers even under the Land Encroachment Act. It should be treated as notice under Section... and thereby the petitioners are entitled to file their objections to the said notice and thereafter, a reasoned order under Section 6 is required to be passed by the 3rd respondent. Till then further the eviction as threatened in the impugned notice cannot be ordered. Hence, it is however, not necessary to interfere with the said notice as it is only treated as a show cause notice and the petitioner will have opportunity to submit his objections within two weeks from today and on receipt of such objections, the 3rd respondent will examine the same and take appropriate decision in the matter in accordance with law and shall not evict or otherwise interfere with the petitioners' possession till proper orders are passed.

With the above observation,, the writ petition is disposed of. There shall be no order as to costs.

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

VILAS V.AFZULPURKAR, J

23.12.2015
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DATE: 23.12.2015

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