

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.20191 of 2015

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DATE: 06.07.2015

Between:

M.Manjulatha

...Petitioner

and

The State of Telangana and another

...Respondents

COUNSEL FOR THE PETITIONER : SRI SURESH SHIV SAGAR

COUNSEL FOR THE RESPONDENTS : GP FOR CIVIL SUPPLIES (AP)

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.20191 of 2015

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ORDER:

This Writ Petition is filed for issuance of certiorari to quash notice in B2/2233/2015, dated 20.06.2015 of respondent No.2.

The petitioner claims interest over 200 sq.yards of land in Survey No.43 of Old Boinpally Village. In respect thereof, respondent No.2 has issued a notice under Section 7 of the Land Encroachment Act, 1905 (for short 'the Act') calling upon the petitioner to show cause why she shall not be evicted from the said land. Respondent No.2 has fixed 05.07.2015 at 3.00 p.m. to appear either in person or submit her objections in writing. The petitioner pleaded that in response to the said notice, she has submitted her detailed explanation on 30.06.2015 and that she has also appeared in the Office of respondent No.2 on 05.07.2015 which happened to be a Sunday. She has also averred that respondent No.2 was not present in the Office on that day and that the Mandal Revenue Inspector, who was present, has received the explanation offered by her.

Sri Suresh Shiv Sagar, learned counsel for the petitioner submits that as the day fixed for personal hearing happened to be a Sunday, respondent No.2 was not present and the petitioner was denied an opportunity of being heard.

Learned Assistant Government Pleader for Revenue (Telangana State) submitted that respondent No.2 will issue a separate notice to the petitioner fixing another date for hearing and after giving an opportunity of personal hearing to the petitioner, respondent No.2 will pass a final order under Section 6 of the Act.

In the light of the submissions of the learned counsel for the parties, the Writ Petition is disposed of with the direction to respondent No.2 to give the petitioner an opportunity of personal hearing by fixing a date for hearing and consider her case before taking further action in pursuance of the impugned notice.

As a sequel to disposal of writ petition, WPMP.No.26026 of 2015

filed by the petitioner for interim relief is disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

6th JULY, 2015.

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