

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

* * *

WRIT PETITION No. 34227 of 2015

BETWEEN

M/s.Sree Sai Balaji Developers, Partnership Firm,
Rep. by its Managing Partner and another

... PETITIONER

AND

The State of Telangana, rep. by its Principal Secretary and others

...RESPONDENTS

Date of Order pronounced: 14.10.2015

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

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| 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 his Lordship wish to see the
fair copy of the Judgment? | Yes/No |

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ORDER:-

Heard learned counsel for the petitioners and learned government
pleader for Revenue.

2. Petitioners question the impugned notice given by the second

respondent in File No.B/2753/2015 dated 21.09.2015 wherein petitioners were directed to restore the illegally encroached road Naxa Bata within 15 days. Petitioners state that there is no encroachment by them and that they have filed a detailed representation dated 13.07.2015 before the second respondent explaining that they have themselves given alternative way to the villagers. However, none of these things were considered and straight away the impugned orders are passed.

3. Learned government pleader for Revenue, who has taken notice, states that on the available record the second respondent has passed the aforesaid order, but if the said order is not complied with the second respondent will give appropriate notice and take appropriate further action in accordance with law.

4. Since it is evident that the impugned order is passed without any prior notice and merely based upon the report of the Mandal Surveyor, a direction to evict the petitioners on the ground that they are alleged encroachers in the road NaxaBata cannot be approved.

If there is really an encroachment by the petitioners, the second respondent can always take action under A.P. Land Encroachment Act and follow the procedure prescribed, which includes giving notice to the petitioners, giving them opportunity to submit explanation and then take appropriate decision in the matter. The present impugned notice, therefore, is liable to be set aside and accordingly set aside.

With the above direction, writ petition is disposed of.

As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

VILAS V. AFZULPURKAR, J

October 14, 2015

LMV