

**HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR**

**WRIT PETITION No.30844 of 2015**

**ORDER:**

Heard.

The Writ Petition is filed questioning the impugned notice No.J/5661/2015, dated \_\_.09.2015, whereunder the petitioners were straight away directed to be evicted from their property with the help of two JCBs., and 20 members of labour on the ground that they have encroached the FTL road in Survey Nos.6 and 7 of Durgam Cheruvu. The grievance of the petitioners is that the said notice is issued to them without any prior notice. The petitioners' claim that the subject lands are patta lands and were already granted approved layout, based on which, they constructed the residential building.

Learned Government Pleader for Revenue, on instructions, confirms that no prior notice was given to the petitioners and therefore submits that the competent authority shall give appropriate notice to the petitioners briefly indicating the grounds on which the action is proposed, so as to enable them to file their explanation and thereafter the competent authority shall consider the said explanation and pass appropriate further orders, if warranted on the facts of the case.

Hence, the Writ Petition is allowed and the impugned notice is set aside. The competent authority shall, however, be at liberty to

follow due process of law, if any action is intended to be taken against the petitioners. No order as to costs.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

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***VILAS V.AFZULPURKAR, J***

23.09.2015  
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