

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.8478 of 2008

ORDER:

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The petitioners challenge notice dated 01-10-2007 issued under the A.P. Land Encroachment Act, 1905 (for short 'the Act').

On 18-04-2008, this court granted direction not to interfere with the cultivation and harvesting of crop by petitioners by granting stay of operation of impugned notice.

The respondents filed petition to vacate the said interim order.

Sri Krishna Devan for petitioners submits that under the peculiar circumstances the petitioners were compelled to invoke the extra-ordinary jurisdiction under Article 226 viz., firstly without considering the steps required to be taken under the Act and secondly, not considering the representation/documents filed by petitioners, the respondents were directly dispossessing the petitioners and preventing the petitioners from harvesting the crop raised by them. He fairly states that the petitioners, if given opportunity, would submit explanation and participate in the enquiry to be taken up by respondents, pursuant to the impugned notice.

I have taken note of the submissions of learned counsel appearing for parties. Perused the material papers and the counter affidavit filed by the respondents.

Having regard to the limited grievance canvassed by the petitioners, I am satisfied the writ petition can be disposed of by

this order.

(a) The petitioners are given four weeks time from the date of receipt of a copy of this order, if so advised, to file explanation/ documents in support of their case against the proposed action initiated under the Act and the respondents are directed to consider the explanation/documents and pass a speaking order, if circumstances so warrant.

(b) The respondents are further directed not to prevent the petitioners from cutting and harvesting the crop raised by them as on date.

(c) The respondents are further directed to complete the enquiry without fail within three months from the date of receipt of a copy of this order.

Accordingly, the writ petition is disposed of. No order as to costs.

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

S. V. BHATT, J

Dt: 08-08-2016

Prv

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