

HON'BLE SRI JUSTICE M.S. RAMACHANDRA RAO

WRIT PETITION No.13451 of 2016

ORDER:

Heard the learned counsel for the petitioners, Sri S.S.Varma, learned Standing Counsel for National Highways, appearing for respondent Nos.1 and 2, learned Government Pleader for R & B, appearing for respondent No.3 and 4.

2. The petitioners assail the notice issued by 3rd respondent asking the petitioners to show cause why the occupation by the petitioners of land on the highway should not be removed under the provisions of the Control of National Highways (land and Traffic) Act, 2002 and asking the petitioners to appear before the Deputy Executive Engineer (R&B), NH Sub Division, Kadapa.

3. The said notice does not disclose when the petitioners would be heard by the said authority since no date and time are mentioned therein. Petitioners contend that they have been in possession of the land in their occupation from decades and that the land in their occupation is not part in the highway.

4. Learned Government Pleader for R&B appearing for respondent Nos.3 & 4 states that the procedure prescribed under the said Act has been followed and that seven days' time has been given to the

petitioners to submit representation/reply to the above referred notices. However, he does not dispute the fact that the said notices served on the petitioners do not indicate time and date of hearing of the petitioners' claim by the Deputy Executive Engineer (R&B), NH Sub Division, Kadapa.

5. In this view of the matter, the petitioners are directed to appear before the Deputy Executive Engineer (R&B), NH Sub Division, Kadapa, on 16-05-2016 at 11 a.m. and make their submissions before him, the said official shall then hear the petitioners' submission, and pass a reasoned order in accordance with law and communicate the same to the petitioners. If the petitioners do not appear before the said official on the above day at the above time, it is open to the said officials to decide the matter *ex parte*. Till the Deputy Executive Engineer (R&B), NH Sub Division, Kadapa, passes a fresh order, the petitioners shall not be evicted from the land in their occupation.

6. The Writ Petition is disposed of with the above directions. No costs.

7. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 20-04-2016

Note:-

Office to communicate this order to the Deputy Executive Engineer (R&B), NH Sub Division,

Kadapa.

Issue C.C. in a week.

B/o.

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