

**THE HON'BLE SRI JUSTICE M.S. RAMACHANDRA
RAO**

WRIT PETITION No.9725 of 2016

ORDER:

Heard the learned counsel for petitioner and the learned Government Pleader for Revenue for respondents.

2. In this Writ Petition, the petitioner has assailed the notice

dt.09-03-2016 issued by 3rd respondent asking the petitioner to show cause why appropriate action should not be initiated against the petitioner under the provisions of the A.P. Land Encroachment Act, 1905 (for short "the Act").

3. Learned counsel for petitioner contended that the said notice does not disclose as to what is the action contemplated and the applicable provision of law, also the extent of land in the unauthorized occupation of the petitioner and does not fix any date before which the petitioner should file his explanation.

4. Learned Government Pleader appearing for respondents states that notice may not be strictly in the form prescribed under the provisions of the Act, but it

gives sufficient details for the petitioner to respond to it.

5. Be that as it may, since the said notice does not contain the particulars mentioned by petitioner, the said notice is set aside giving liberty to 3rd respondent to issue a fresh notice in compliance with the form prescribed under the Act giving all the particulars to the petitioner and then take action in accordance with law and till such action is taken, petitioner shall not be dispossessed from the subject land.

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

7. As a sequel, miscellaneous petitions pending if any, in this Writ Petition shall stand closed.

JUSTICE M.S. RAMACHANDRA RAO

Date: 23-03-2016

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