

HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR
WRIT PETITION No. 3057 of 2016

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ORDER:

On the allegation that no show cause notices were given by the 4th respondent prior to issuance of notices dated 08.01.2016, the petitioners filed the present writ petition.

As per orders dated 03.02.2016, this writ petition was entertained only in so far as the 7th petitioner is concerned, and in view of the averment that the 7th petitioner is a handicapped person and from economically weaker section and as a show cause notice under Section 7 of the Andhra Pradesh land Encroachment Act, 1905 (for short 'the Act') was not given prior to issuing of the impugned notice under Section 6 of the Act, this Court granted stay of enforcement of the impugned notice against the 7th petitioner.

Learned Government Pleader for revenue has now produced photostat copies of notices issued to each petitioner including the 7th petitioner under Section 7 of the Act in proceedings Rc.B.1096/2015 dated 22.06.2015 together with acknowledgments. In view of that, the

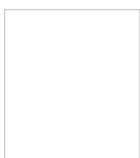
averment of the petitioner that show cause notice under Section 7 of the Act was not given, prior to issuing of the impugned notice under Section 6 of the Act, is clearly unsustainable. Accordingly, the interim order already granted does not deserve to be continued. More over, the petitioner has a remedy of preferring an appeal under Section 10 of the Act.

With a liberty to the petitioner to prefer an appeal under Section 10 of the Act, the Writ Petition is dismissed. There shall be no order as to costs.

Consequently, interim order granted on 03.02.2016 is vacated and miscellaneous petitions, if any, pending in the writ petition shall stand dismissed.

VILAS V. AFZULPURKAR, J

26th February, 2016
cbs



HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

Writ Petition No.3057 of 2016

26th February, 2016

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