

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA PRADESH

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WRIT PETITION No.6739 of 2016

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BETWEEN

A.K.T. Janak and another.

... PETITIONERS

AND

State of Telangana, Rep. by its Secretary, Revenue Department, Secretariat,
Hyderabad and others.

...RESPONDENTS

DATE OF JUDGMENT PRONOUNCED: 01.03.2016

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

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| 1. | Whether Reporters of Local newspapers may be allowed to see the Judgments? | No |
| 2. | Whether the copies of judgment may be marked to Law Reporters/Journals? | No |
| 3. | Whether Their Ladyship/Lordship wish to see the fair copy of the Judgment? | No |

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ORDER:

Heard learned counsel for the petitioners, learned Government Pleader for Revenue and Mr. Narender Reddy, learned counsel for the fifth respondent.

2. This writ petition is directed against notice issued under Section 6 of the A.P. Land Encroachment Act (for short 'the Act') dated 23.02.2016.

3. Petitioners contend in the writ petition that they have given a reply on 25.01.2016, Ex.P11 and without considering the said reply and without giving an opportunity of personal hearing, straightaway the impugned notice under Section 6 of the Act is passed.

4. Learned Government Pleader submits, on instructions, that since no reply was received from the petitioners to the notice issued under Section 7 of the Act dated 07.12.2015, the impugned order came to be passed.

5. The aforesaid contention is, however, disputed by the learned counsel for the petitioners.

6. However, instead of going into the issue as to whether reply by the petitioners was on record or not, I am inclined to accept the suggestion of the learned Government Pleader that petitioners be permitted to file a reply afresh on or before 05.03.2016 and the petitioners are at liberty to raise all their contention in the said reply.

7. If the reply is, accordingly, filed, as above, the fourth respondent shall, if necessary, conduct personal hearing after notice to the petitioners and then take appropriate decision by passing a reasoned order. This course of action would set at rest all other controversies in the writ petition and would also advance the cause of justice. Accordingly, the impugned order is set aside

and the matter shall stand remitted to the fourth respondent, as directed above.

The writ petition is allowed accordingly. As a sequel, miscellaneous applications, if any, pending shall stand closed.

There shall be no order as to costs.

VILAS V. AFZULPURKAR, J

March 1, 2016

Note: Furnish C.C. of the order by 02.03.2016.

(**B/o**) DSK