

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

W.P.No.22376 OF 2017

ORDER

This writ petition is filed for the following relief:

“... to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the impugned proceedings in ROC.No.../2017, dated 15.6.2017 issued by the 2nd respondent as illegal, arbitrary, improper and without jurisdiction and also violation of principles of natural justice and set aside the same and consequently direct the respondents not to interfere with the peaceful possession and enjoyment of the petitioner's property pursuant to the impugned proceedings and pass such other order and orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

Heard learned counsel appearing for the petitioners and learned Government Pleader for Panchayat Raj appearing for the respondents.

The petitioners are claiming to be in possession of small extents of land in Ibrahimpatnam Gram Panchayat. A notice dated 1.5.2017 was issued alleging that they have encroached the Government land, which was required for the purpose of laying a road and they were asked to submit their explanation. Accordingly, the petitioners submitted their explanation. But,

without considering the same, when stereotype orders were passed on 15.06.2017, the present writ petition is filed.

This Court carefully perused the impugned orders dated 15.6.2017 and noticed that all the orders are of stereotype and the extent of encroachment was not mentioned therein.

In the circumstances, this Court is constrained to set aside the impugned orders dated 15.6.2017.

Accordingly, the impugned orders dated 15.6.2017 are set aside, the Writ Petition is allowed and the matter is remanded to the 2nd respondent, who in turn, is directed to consider the explanation submitted by the petitioners individually and pass appropriate orders within a period of 30 days from the date of receipt of a copy of this order. Till such time, no action for demolition of the alleged encroachment shall be taken. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE A.RAMALINGESWARA RAO

7th July, 2017
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