

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

Writ Petition No.4886 of 2017

ORDER:

This writ petition is filed assailing the impugned notice dated 04.02.2017 issued by the 3rd respondent under Section 6 of the A.P. Encroachment Act .III of 1905 (for short 'the Act').

It is the case of the petitioner that the petitioner was issued notice on 16.01.2017 under Section 7 of the Act stating that the petitioner was in unauthorized occupation of the subject premises in the writ petition. In response to the same, the petitioner filed explanation on 03.02.2017 to the District Collector, marking a copy to the 3rd respondent. But without considering the explanation of the petitioner, the present impugned notice is issued. Aggrieved by the same, present writ petition is filed.

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

Learned Assistant Government Pleader submits that the petitioner has not filed any explanation to the 3rd respondent, as such, impugned notice was issued to him.

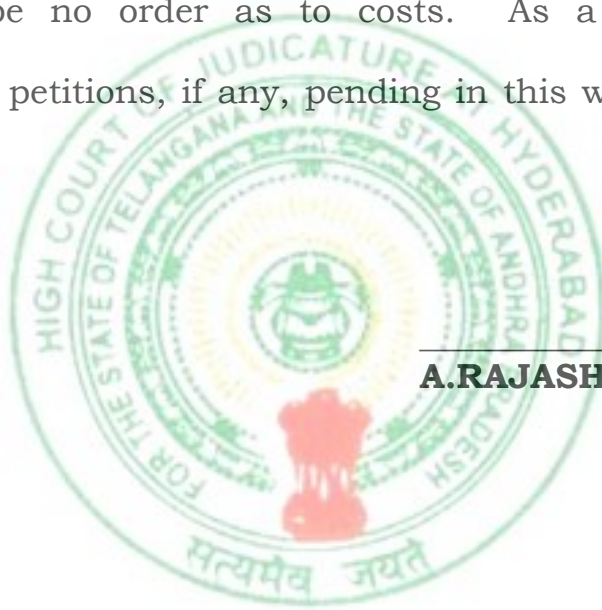
It is to be seen that in the material papers filed along with this writ petition, the explanation of the petitioner is addressed to the District Collector, in which it is stated that petitioner has left the subject land and that he has also given same for road widening. Even a perusal of the impugned order, which is in the form of notice, does not furnish any reasons for issuance of such notice.

In view of the above, the impugned notice dated 04.02.2017 issued by the 3rd respondent is set aside. It is open for the petitioner to file explanation to the notice dated 16.01.2017 within two weeks from today. On such submission of explanation, the 3rd respondent is directed to consider the same, after giving an opportunity of hearing to the petitioner and pass final orders. Till passing of such orders, there shall be stay of dispossession of the petitioner from subject land.

With the above direction, this writ petition is disposed of. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending in this writ petition shall stand closed.

A.RAJASHEKER REDDY,J

10.02.2017
kvs



HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

Contempt Case No.4886 of 2017



Date: 10.02.2017

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