

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.17311 of 2017

ORDER:

Heard Sri K.Muralidhar Reddy for petitioner and the learned Assistant Government Pleader (Revenue) for respondents.

The petitioner challenges notice under Section 6 of the A.P.Land Encroachment Act, 1905 (for short 'the Act') dated 15-05-2017 in the instant writ petition.

One of the grievances of petitioner is that notice dated 15-05-2017 does not conform to the directions issued by this Court in W.P.No.14296 of 2017 dated 20-04-2017 and unless and until an order on the alleged encroachment is passed, issuance of notice calling upon the petitioner to remove encroachment does not arise.

Learned Assistant Government Pleader, on instructions, submits that the respondents did not have the advantage of the directions issued by this Court in W.P.No.14296 of 2017 dated 20-04-2017 when notice dated 15-05-2017 is issued. Secondly, the order which resulted in issuing notice dated 15-05-2017 does not satisfy the requirements of judicial review. Therefore, he submits that the 5th respondent passes an order as directed by this Court in W.P.No.14296 of 2017 dated 20-04-2017 and the notice dated 15-05-2017 can be set aside.

The statement is placed on record.

The writ petition is disposed of as follows :-

Notice under Section 6 of the Act dated 15-05-2017 is set aside, matter remitted to 5th respondent to pass orders by taking note of the explanation submitted by the petitioner and also the directions of this Court in W.P.No.14296 of 2017 dated 20-04-2017 expeditiously.

Miscellaneous petitions, if any, pending, shall stand closed.

No order as to costs.

Dt: 23-06-2017
Prv



S. V. BHATT, J

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