

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.3694 of 2017

ORDER:

This writ petition is filed challenging the proceedings dated Nil.01.2017 issued by the 4th respondent under Section 6 of the Land Encroachment Act, 1905 (*for short 'the Act'*), mainly on the ground that sufficient time was not granted to the petitioner for filing explanation to the notice issued under Section 7 of the Act and also on the ground that no reasons were recorded in the impugned proceedings.

Heard both sides.

A perusal of the impugned proceedings goes to show that no proper reasons were recorded. More so, sufficient time was not granted to the petitioner for filing explanation, though he pleaded time for filing explanation. In view of the same the impugned proceedings are liable to be set aside on the ground of violation of principles of natural justice.

Accordingly, the writ petition is allowed. However, the petitioner shall submit his explanations within four weeks from today, and on such explanations being submitted by the petitioner the 4th respondent shall pass appropriate orders, in accordance with law, after giving opportunity of hearing to the petitioner. Till passing of final orders by the 4th respondent,

there shall be stay of dispossession of petitioner from the subject land. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

03.02.2017
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A.RAJASHEKER REDDY, J

