

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.22589 OF 2016

ORDER :

This writ petition is filed challenging proceedings No.B/14439/2015, dated 28.05.2016 passed by the 3rd respondent under Section 6 of the A.P. Land Encroachment Act, 1905.

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

Learned counsel for the petitioner submits that though explanation is submitted to the notice dated 07.05.2016 under Section 7 of the A.P.Land Encroachment Act on 13.05.2016, without considering the same, the 3rd respondent passed impugned order.

No counter affidavit is filed by the respondents.

This Court, by order dated 15.07.2016 granted interim suspension of the impugned proceedings dated 28.05.2016

In view of the same, without expressing any opinion on the merits of the case, the impugned order passed by the 3rd respondent dated 28.05.2016 is set aside, as the same is in violation of principles of natural justice and the matter is remanded back to the 3rd respondent. The 3rd respondent is directed to consider the explanation of the petitioner dated 13.05.2016, issue notice to the affected parties and after affording an opportunity of hearing to the petitioner, pass final orders, in accordance with law. It is for the petitioner to file fresh

explanation to the show-cause notice dated 07.05.2016, within a period of two weeks from the date of receipt of a copy of this order. Till passing of final orders, interim suspension granted by this Court on 15.07.2016 shall continue.

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.

01.02.2017
kvs

A.RAJASHEKER REDDY, J



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Date: 01.02.2017

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