

HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

W.P.No.6905 of 2017

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue appearing for respondents.

2. Petitioner has filed this Writ Petition assailing notice dt.17-02-2017 issued by 3rd respondent under Section 6 of the A.P. Land Encroachment Act, 1905 asking the petitioner to vacate the subject land alleging that it is Government land.

3. There is no material to show that prior to passing of this order, petitioner was given any notice under Section 7 of the said Act. Therefore, this order is clearly in violation of principles of natural justice.

4. Accordingly, the portion of the impugned order which directs the petitioner to vacate the land within seven days from the date of service of the said order is set aside; the 3rd respondent is directed to treat the said order as a show cause notice under Section 7 of the above Act; petitioner shall file an explanation thereto within three weeks from the date of receipt of a copy of this order; and thereafter, the 3rd respondent shall pass a reasoned order within two months from the date of receipt of the explanation of the petitioner and communicate his decision to the petitioner. Till then petitioner shall not be evicted from the subject land. In the event of failure of

the petitioner to file explanation as aforesaid, the impugned notice can be given effect.

5. Accordingly, the Writ Petition is allowed to the above extent. No costs.

6. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 01-11-2017

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