

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.3025 OF 2017

ORDER:

This writ petition is filed challenging the proceedings dated 17.01.2017 issued by Tahsildar-4th respondent purported to be issued in exercise of his jurisdiction under Section 7 of the Land Encroachment Act, 1905 (for short 'the Act').

Learned counsel for the petitioners submits that Section 7 of the Act deals with the issuance of show cause notice before passing the eviction order, but the impugned notice goes to show that there is a direction to the petitioners to evict the subject land.

Learned Assistant Government Pleader for Revenue submits that the petitioners can file explanation to the impugned show cause notice.

A reading of the impugned notice issued under Section 7 of the Act goes to show that it is a show cause notice, but a direction is given to the petitioner to evict the land admeasuring Ac.0-05 cents Sy.No.6-6 which is unsustainable because such a direction can be passed only under section 6 of the Act.

In view of the same, the petitioners are directed to submit explanation to the impugned show cause notice dated 17.01.2017 within a period of four (04) weeks from today. On such explanation being filed, the 4th respondent shall pass appropriate orders in accordance with law, after giving opportunity of hearing to the petitioners. If the petitioners fail to submit explanation within the aforesaid period, it is open for the respondents to pass

appropriate final orders. Till passing of such orders, there shall be stay of eviction of petitioners from the subject land.

With the above direction, the writ petition is disposed of. There shall be no order as to costs.

As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY,J

30.01.2017

Note:

**CC by one week
(B/o) dv**

