

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

W.P.No.12201 OF 2008

ORDER

Heard learned counsel appearing for the petitioner and learned Government Pleader for Revenue appearing for respondents 1 to 3.

The case of the petitioner is that he encroached the land by clearing the bushes, constructed a house therein and he has been in possession and enjoyment of the same since 1960. The Gram Panchayat, Bhadrachalam, allotted house No.12-2-16/6. He got electricity connection bearing No.4816. He has been paying house tax regularly. While so, the 2nd respondent issued a notice on 21.5.2008 alleging that the petitioner is in unauthorized occupation of land to an extent of Ac.0-03 ½ cents. Pursuant to the same, the petitioner submitted his explanation on 26.05.2008. Without considering the same, when the impugned order was issued on 2.6.2008 by filling up the blanks, the present writ petition was filed.

A reading of the impugned order shows that the blanks were filled up with the name of the petitioner and the schedule

land. The explanation of the petitioner was not considered and no reasons were assigned for passing such an order.

In the circumstances, this Court is constrained to set aside the impugned order passed by the 2nd respondent on 2.6.2008.

Accordingly, the impugned order is set aside and the Writ Petition is allowed by remanding the matter to the 2nd respondent for considering the explanation submitted by the petitioner and passing appropriate orders in accordance with law.

Miscellaneous petitions, if any, pending shall stand closed.



JUSTICE A.RAMALINGESWARA RAO

30th June, 2017
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