

HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.23518 of 2017

ORDER:

The petitioners challenge notice dated 03.07.2017 issued by the 4th respondent under the A.P.Land Encroachment Act, 1905 (for short 'the Act').

The grievance of petitioners is that notice is dated 03.07.2017 and the petitioners received notice on 13.07.2017 and submitted explanation on 14.07.2017. Now, the respondents even without waiting for the completion of 15 days granted in the notice are passing orders under Section 6 of the Act and also proceeding to evict the petitioners from petition land.

The Assistant Government Pleader (Revenue) submits that once notice is issued and explanation is received, the authorities are under obligation to pass orders and communicate the order to petitioners. Therefore, before completing the steps required under the Act, the possession of petitioners will not be disturbed by the respondents.

The received acknowledgment as evidenced by annexure Ex.P-1 shows that there is sufficient delay in serving notice on petitioners. The respondents are required to enquire into the matter and pass orders, and thereafter if conclusion warrants eviction, take recourse to evict the petitioners and not evict when enquiry is pending.

Hence, the writ petition is disposed of by directing the respondents to complete the enquiry initiated through Notice No.B/260/2017 dated 03.07.2017 as expeditiously as possible, preferably within six weeks months from the date of receipt of a copy of this order.

The possession of petitioners shall not be disturbed till the enquiry is completed, order is passed and communicated to petitioners.

Miscellaneous petitions, if any, pending, shall stand closed.

No order as to costs.

Dt: 17-07-2017
Pv



S. V. BHATT, J

