

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.6520 OF 2017

ORDER :

This writ petition is filed seeking writ of mandamus declaring the action of the respondents in proposing to demolish the houses of the petitioners bearing No.70-05-01 in S.No.178/1A of Lalacheruvu Village, Rajamahendravaram Urban Mandal, East Godavari District pursuant to the notice in ref No.B/1239/2016, dated 18.02.2017 by the 4th respondent directing the petitioners to vacate from their respective houses as illegal and arbitrary and consequently to set aside the same.

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

Learned counsel for the petitioners submits that the petitioners were issued notice under Section 7 of the A.P. Land Encroachment Act in Ref.No.B/1239/2016, dated 31.12.2016. In response to the same, petitioners filed explanation on 09.01.2017. He further submits that without passing any speaking order by considering the explanation of the petitioner, as envisaged under Section 6 of the Land Encroachment Act, the impugned proceedings are issued purported to be under Section 6 of the Act, without assigning any reason and without considering the explanation filed by the petitioners.

This Court granted order of status quo on 23.02.2017.

A perusal of the impugned proceedings dated 18.02.2017 goes to show that no reasons are assigned and there is no consideration of the explanation filed by the petitioners, which is

nothing but violation of principles of natural justice. Without assigning any reasons, petitioners will not be in a position to challenge the said impugned proceedings.

In view of above facts and circumstances, without expressing any opinion on the merits of the case, only on the ground of non passing of speaking order as envisaged under Section 6 of the A.P Land Encroachment Act, the impugned order dated 18.02.2017 passed by the 4th respondent is set aside. Since the explanation filed by the petitioners is pending with the 4th respondent in response to the notice dated 31.12.2016, the 4th respondent is directed to consider the same and pass final orders, after giving an opportunity of hearing to the petitioners. Till then, interim order granted by this Court on 23.02.2017 shall continue.

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

10.03.2017
kvs

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Date: 10.03.2017

kvs

