

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

WP.No.36575 of 2017

ORDER :

Heard the counsel for petitioners, and the learned Government Pleader for Revenue, for respondents.

2. The petitioner has assailed in this Writ Petition the notice dt.28.10.2017, issued by 4th respondent under Section 7 of the Andhra Pradesh Land Encroachment Act, 1905 whereunder the 4th respondent, while alleging that petitioner had encroached his Government PWD land, has straight away asked the petitioner to vacate the said property.

3. The counsel for petitioners states that the said order cannot be sustained since the petitioner had not been given any opportunity to contest the allegations contained in the said notice.

4. The learned Government Pleader for Revenue, appearing for respondents, is also unable to sustain the said notice.

5. Accordingly, the last paragraph of the impugned notice is set aside. The 4th respondent is directed to treat the said notice as a show-cause notice; the petitioners are permitted to file an explanation thereto within three (03) weeks from the date of receipt of a copy of the order; and then, the 4th respondent is directed to pass a reasoned order, and communicate the same to petitioners. Till then, the petitioners shall not be evicted from the subject property.

6. Accordingly, the Writ Petition is disposed of. No order as to costs.

7. As a sequel, miscellaneous petitions pending if any in this Writ Petition, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 01-11-2017

Ndr/*

