

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.35923 OF 2017

Date: 26.10.2017

Between:

Tammisetty Dhana Lakshmi W/o Chandra Sekhar,
R/o Lenin Nagar, Piduguralla town, Guntur District,
Andhra Pradesh and others.

.....Petitioners

and

The State of Andhra Pradesh, rep.by its Principal
Secretary (Revenue Department), Secretariat Buildings
at Velagapudi, Guntur District, Andhra Pradesh and
others.

.....Respondents



The Court made the following:

HONOURABLE SRI JUSTICE P.NAVEEN RAO

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ORDER:

Petitioners are aggrieved by the proceedings initiated under the Land Encroachment Act, 1905 (Act, 1905). Alleging that petitioners are in illegal possession of Government land to an extent of Ac.0.10 cents each in Sy.No.847 of Piduguralla village, notice under Section 7 of the Act, 1905 was issued on 16.10.2017. Petitioners claimed to have submitted their explanations on 22.10.2017. On 25.10.2017, notice under Section 6 of the Act was issued, which is challenged in this writ petition.

2. Learned counsel for petitioners submits that within a very short time and even without considering the explanations submitted by the petitioners, Section 6 notice was issued directing to evict the petitioners and such action of the respondents is arbitrary and illegal.

3. Learned Government Pleader, on instructions, submits that appropriate orders would be passed on due consideration of the explanations submitted, if any, in pursuant to notice under Section 7 of the Act.

4. Having regard to the said statement, writ petition is disposed of, directing the Tahsildar (3rd respondent) to examine the explanations that may have been submitted by the petitioners in response to the notice under Section 7 of the Act and pass appropriate orders as warranted by law by assigning due reasons in support of its decision. For a period of one week, after a decision

is made and communicated to the petitioners in pursuant to the notice under Section 7 of the Act, the impugned notice under Section 6 of the Act shall not be given effect.

5. At this stage, learned counsel for petitioners submits that petitioners may be afforded personal hearing. Petitioners are granted liberty to make a representation before the Tahsildar requesting to afford personal hearing. If such a request is made within a week from today, Tahsildar shall fix a date for personal hearing with advance intimation to the petitioners. Petitioners or their duly authorized representative shall appear on the date fixed by the Tahsildar and make submissions.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

JUSTICE P.NAVEEN RAO

Date: 26.10.2017

Note: Issue CC in two days.

B/o.
kkm

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