

HON'BLE SRI JUSTICE S. V. BHATT

W.P.No. 36293 of 2017

ORDER:-

Heard the learned counsel for the petitioner and Smt. N.Sasikala, learned counsel for respondent Nos.2 and 3.

The petitioner challenges notice dated 22.09.2017 as illegal, arbitrary and unconstitutional. The operative portion of the notice reads thus:

“You have been served with Form-A referred above to having encroached into Railway land measuring 780.00 Sqm beside Manjeera water pipe line at km 159/ 02-158/ 34 and the same was acknowledged by you. In spite of being served with notice you have failed to vacate the encroached Railway land.

Though not bound to, you are hereby given an opportunity to vacate the Railway land within 15 days from the receipt of this notice failing which Eviction proceeding will be further processed under PPE Act 1971.”

Paragraph No.2 excerpted above cannot and ought not to be treated as notice issued for evicting the petitioner from the alleged encroachment. The contents of the notice impugned are nothing but inclination of respondent Nos.2 and 3 to proceed under Public Premises Eviction Act, 1971. Therefore, challenge to communication simplicitor is not made out and this Court is not inclined to entertain the writ petition.

The learned counsel for respondent Nos.2 and 3 submits that as a matter of fact, Form-A Notice dated 28.04.2017 is

already served on the petitioner and therefore, unless procedure under Public Premises Eviction Act is followed, dispossession of the writ petitioner is a mere apprehension.

The learned counsel for the petitioner submits that Form-A notice is not received. Be that as it may, this Court is not prepared to enquire into this aspect also, for the Standing Counsel informs the Court that respondent No.3 would send notice to the petitioner by Registered Post with Acknowledgement Due within a period of four weeks from today. The petitioner, if receives the notice, is given liberty to file explanation or raise objections before the 3rd respondent.

With the above observation, the writ petition is dismissed. No order as to costs.

As a sequel, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

S.V. BHATT, J

02.11.2017

bcj