

HON'BLE SRI JUSTICE S.V.BHATT

W.P.No.16622 OF 2018

ORDER:

Heard Mr.A.S.C.Bose for petitioners and learned Assistant Government Pleader (Revenue) for respondents.

The petitioners challenge proceedings Rc.No. - /2018/SA dated 21.04.2018, as illegal and contrary to Sections 6 and 7 of the A.P. Land Encroachment Act, 1905. The petitioners challenge the impugned proceedings as violative of procedural safeguard under Sections 6 and 7 of the A.P. Land Encroachment Act and also violative of principles of natural justice. To appreciate the complaint, the Court finds it convenient to excerpt the proceedings impugned in the writ petition:

“Whereas you are found to be in unauthorized occupation of the land specified in the Schedule below which is the property of the Government. You are hereby required to vacate the land within (48) hours from the date of service of the notice, failing which you will be summarily evicted from the land and any corn or other produce raised on the land and any building or other construction erected or anything deposited therein will be held liable to forfeiture.

Village	Sy.No. & Division	Description of the land	Entire extent	Occupied extent	Nature of occupation
Namav-aram	192	Poramboke-gedda	Ac.0.62 cts	27 sq.yards	Compound Wall RCC slab projects CC flooring sunshades

From the above, it does not appear that at any stage before issuing the proceedings impugned in the writ petition, the petitioners have been heard. The counter affidavit is also silent. Hence, the proceedings impugned in the writ petition are set aside and liberty is given to 2nd respondent to follow the procedure under Sections 6 and 7 of the A.P. Land Encroachment Act; pass orders

of removal of encroachment; and thereafter if encroachment continues, remove the encroachment in accordance with law.

The writ petition is ordered as indicated above. There shall be no order as to costs.

Miscellaneous petitions, if any, pending stand closed.

03rd July, 2018
Lrkm

S.V.BHATT, J

