

THE HON'BLE SRI JUSTICE S.V.BHATT

W.P. No.17345 of 2018

ORDER:

Heard Mr.Gajanand Chakravarthi for petitioners and the learned Assistant Government Pleader for respondents.

The petitioners challenge the notice issued in Form-II dated 24.04.2018, as illegal, arbitrary and contrary to the provisions of Act 9 of 1977.

The objection raised by the petitioners is that the notice impugned in the writ petition is bereft of details and straight away issuing notice in Form-II does not conform to the procedure prescribed by the Act. Hence, the writ petition.

On 10.05.2018, this Court granted stay of further proceedings pursuant to the notice dated 24.04.2018.

The Assistant Government Pleader referring to written instructions submits that in the process of converting agricultural land into plots, the land in Sy.No.104, of Aswaraopeta village, which is in large area and also the Government land is converted into house plots. For the said purpose, notice is issued. The

respondents may be given liberty to issue notice with all details under Act 9 of 1977 or under the Land Encroachment Act, 1905 and remove the encroachment in accordance with law.

By granting liberty as prayed for, the notice impugned in the writ petition is set aside as not conforming to the requirements of Act 9 of 1977. The merits of the issue are not considered. It is for the 4th respondent to examine as and when the issue either under Act 9 of 1977 or under the Land Encroachment Act, 1905 is considered.

Writ petition is disposed of as indicated above. No order as to costs.

Miscellaneous petitions, if any, pending, shall stand closed.

S. V. BHATT, J

Dt: 21.06.2018
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