

HON'BLE SRI JUSTICE S.V. BHATT

W.P. No.27168 OF 2018

ORDER:

Heard Ms.Sunitha holding for Mr.Rama Sharana Sharma for petitioners and the learned Assistant Government Pleader for respondents.

The petitioners challenge the action of respondents in threatening the petitioners to vacate from the subject matter of writ petition without passing orders pursuant to the notice dated 16.07.2018 as illegal, arbitrary and unconstitutional.

The petitioners on 25.07.2018, submitted reply to the show cause notice and admittedly as on date orders are not passed much less notice under Section 6 is issued calling upon the petitioners to remove the encroachment.

This Court is of the view that once enquiry is initiated, the 3rd respondent is required to follow the procedure stipulated by law, take decision, communicate to party and thereafter the possession can be disturbed. In view of the above, the writ petition is disposed of by directing the respondents not to disturb the petitioners' possession of subject matter of notice impugned in the writ petition till orders are passed and communicated. It is needless to observe that the orders passed under the Land Encroachment Act are appealable. Therefore, till the period of appeal is over, the 3rd respondent will not take possession of the subject matter of notice.

No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

S.V.BHATT, J

Date:02.08.2018

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