

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 36637 of 2018

ORDER:

1) Heard learned counsel for the petitioner and learned Government Pleader for Revenue. With the consent of both the parties, the writ petition is disposed of at the admission stage.

2) The present writ petition came to be filed seeking issuance of writ of mandamus declaring the order dated 24.09.2018 in RCB 271/2018, passed by respondent No.4 directing eviction of the petitioner from the land admeasuring Ac.0.02 ½ cents in Survey No.265/1 of Kothareddygudem village, Krishna District, as illegal and arbitrary.

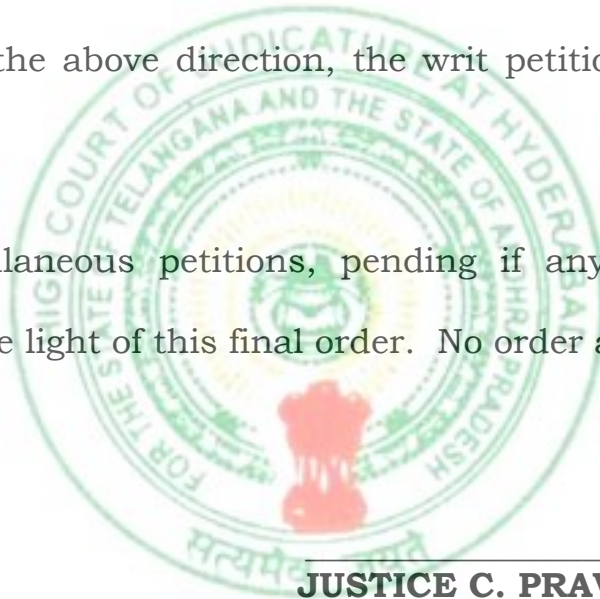
3) Learned counsel for the petitioner mainly submits that though the petitioner submitted an explanation to the notice dated 14.08.2018, issued to the petitioner, under Section 7 of the Land Encroachment Act, which was received in the office of the Tahsildar on 27.08.2018, without considering the same, the impugned order came to be passed in the month of September, 2018.

4) Learned Government Pleader for revenue fairly states that the reply given by the petitioner ought to have taken into consideration, while passing the impugned order.

5) Having regard to the above, the order under challenge is set aside and the petitioner is directed to submit a copy of the representation dated 24.08.2018, containing the explanation to Section 7 notice, which is filed before this Court, within a period of one week from the date of receipt of a copy of the order to the Tahsildar – respondent No.4, in which event, the authorities shall pass orders basing on the explanation given, in accordance with law, within two weeks thereafter.

6) With the above direction, the writ petition is disposed of.

7) Miscellaneous petitions, pending if any, shall stand closed in the light of this final order. No order as to costs.



JUSTICE C. PRAVEEN KUMAR

10.10.2018

vhb