

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 39542 of 2018

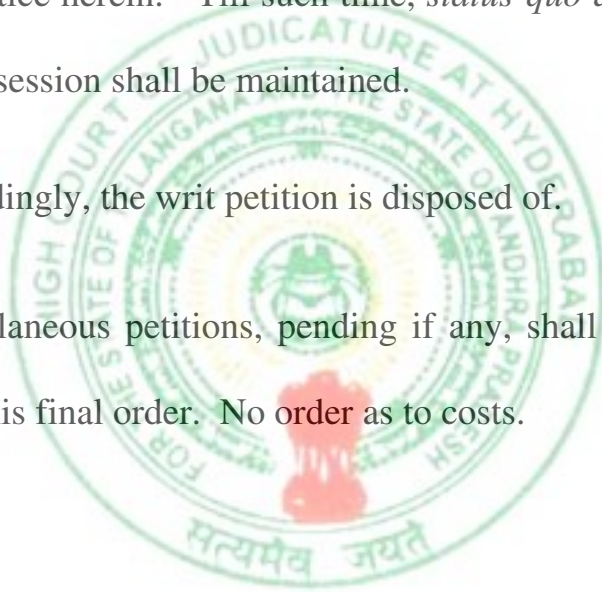
ORDER:

1) The present writ petition came to be filed seeking issuance of writ of mandamus declaring the impugned eviction notice issued by respondent No.3, dated 29.09.2018, vide Notice No.PC/Traffic/2017-5, to the petitioner directing to vacate the respective shop situated at S.Nos.467/1 and 467/A, on the bank of Commercial Canal, Kakinada Port, admeasuring 80.01 square metres within 15 days as illegal and arbitrary.

2) At the time when the matter is taken up for hearing, it is represented that in view of the orders passed by this Court in W.P.No.32852 of 2018, dated 19.09.2018, wherein the learned Judge of this Court disposed of the writ petition stating that the authorities would follow due process of law by issuing notice to the petitioner, before taking steps for eviction. Basing on the said order, the impugned notice dated 29.09.2018 came to be passed directing the petitioner to vacate the land within 15 days from the date of receipt of the said notice, failing which action would be initiated as per the rules in force.

3) Learned counsel for the petitioner apprehends that there is every possibility of authorities trying to dispossess the petitioner forcibly, without following due process of law.

- 4) Learned Government Pleader disputes the same.
- 5) Having regard to the facts and circumstances of the case, treating the impugned notice dated 29.09.2018 as show cause notice, the petitioner shall submit an explanation within a period of one week from today, in which event, the authorities shall deal with the same, in accordance with law, at the earliest. It is needless to mention that if no explanation is submitted within a period of one week from today, the authorities shall take action basing on the impugned notice herein. Till such time, *status-quo* as on today with regard to possession shall be maintained.
- 6) Accordingly, 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

02.11.2018
vhh