

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

W.P.NO.42240 OF 2018

ORDER

The case of the petitioner is that 3rd respondent – Tahsildar, issued the show cause notice No.B/1146/2011 dated 21.06.2018 under section 7 of the A. P. Land Encroachment Act, III of 1905, and that he filed his explanation along with relevant documents on 09.07.2018, but without considering his explanation, 3rd respondent issued notice dated 30.07.2018 under Section 6 of the said Act directing the petitioner to vacate the subject land. Aggrieved by the same, the present writ petition is filed.

Heard the learned counsel for the petitioner and the learned Assistant Government Pleader for Revenue.

A reading of the impugned notice dated 30.07.2018 issued under Section 6 of the said Act, goes to show that the 3rd respondent has not considered the explanation stated to have been filed by the petitioner on 09.07.2018 and he has also not recorded any reasons. This amounts to violation of principles of natural justice. In view of the same, the impugned notice dated 30.07.2018, is set aside and the matter is remitted to the 3rd respondent to consider the explanation of the petitioner dated 09.07.2018 and the documents relied on by him, and after affording him opportunity of hearing, shall pass appropriate orders in accordance with law. Till then, petitioner shall not be dispossessed from the subject land.

With the above direction, writ petition is disposed of.

Interlocutory applications pending, if any, shall stand closed. No costs.

A.RAJASHEKER REDDY,J

DATE:06—12—2018

AVS