

HONOURABLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.2239 of 2019

ORDER:

The grievance of the petitioners in this case is with regard to the issuance of the notice bearing No.B/195/2019 dated 01.02.2019 by the Tahsildar, Armoor Mandal, Nizamabad District.

Perusal of the notice reflects that though the Tahsildar stated the factual aspects, he merely mentioned that action would be taken against the petitioners under the provisions of 'A.P. WALT Act, 2005' and 'Encroachment of Government Lands Act, 1905'.

As rightly pointed out by Sri B.Vijaysen Reddy, learned counsel for the petitioners, the Tahsildar, Armoor Mandal, Nizamabad District, did not even choose to mention the provisions of the enactments under which he proposes to take action. That apart, this Court must also note that the Tahsildar, Armoor Mandal, Nizamabad District, was not even mindful of the legislations under which he wishes to proceed.

'The A.P. Water, Land and Trees Act, 2002', has been wrongly described as 'A.P. WALT Act, 2005' and 'The A.P. Land Encroachment Act, 1905' is wrongly described as 'Encroachment of Government Lands Act, 1905'.

It is not open to a statutory authority to be careless while issuing a show-cause notice and fail to mention the names of the legislations correctly. That apart, he would also have to mention the provisions of the enactments which are brought into play by the alleged violations by the addressee, requiring issuance of a show-

cause notice. The impugned show cause notice is therefore unsustainable on both counts.

The Writ Petition is accordingly allowed setting aside the notice dated 01.02.2019 issued by the Tahsildar, Armoor Mandal, Nizamabad District. This order shall however not preclude the Tahsildar, Armoor Mandal, Nizamabad District, from issuing a notice afresh, if warranted, by mentioning the proper details.

Pending Miscellaneous Petitions, if any, shall stand disposed of in the light of this final order. No order as to costs.

06th February, 2019
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JUSTICE SANJAY KUMAR