

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION Nos.4146, 4489 and 4514 of 2019

COMMON ORDER:

Challenge in these three writ petitions is to the notices dated 08.02.2019 issued by the Tahsildar, Kothakota Mandal, under Section 6 of the Land Encroachment Act, 1905 (for short, 'the Act of 1905'), requiring the petitioners to vacate the occupied Government land in Kothakota Town and Mandal, Wanaparthy District, failing which, he threatened to evict them summarily therefrom.

Perusal of the record reflects that the Tahsildar, Kothakota Mandal, issued notices on 16.01.2019 under Section 7 of the Act of 1905 requiring the petitioners to submit their explanations along with relevant documents within fifteen days from the date of receipt thereof. The material placed on record demonstrates that the petitioners in all these cases submitted their explanations and the endorsements made thereon evidence receipt of such explanations by the office of the Tahsildar, Kothakota Mandal. Despite the same, the impugned notices dated 08.02.2019 read to the effect that no explanation had been received from any of the petitioners.

It is clear that despite receiving the explanations of the petitioners, the Tahsildar, Kothakota Mandal, ignored the same, be it wittingly or unwittingly, and issued the impugned eviction notice under Section 6 of the Act of 1905. There is thus a demonstrable violation of the principles of natural justice apart from the procedure prescribed.

The impugned notices dated 08.02.2019 are therefore unsustainable in law and are accordingly set aside. It shall be open to the petitioners to submit their additional explanations along with documents, if any, within one week from today. Upon expiry of this period, the

Tahsildar, Kothakota Mandal, shall consider the matters afresh duly taking into account the explanations already submitted by the petitioners and also the explanations, if any, submitted pursuant to the liberty granted by this Court and take appropriate action thereon in accordance with law.

The writ petitions are accordingly allowed.

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

SANJAY KUMAR, J

Date:06.03.2019

GJ

