

THE HON' BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.15997 of 2019

ORDER:

The petitioner challenges the action of the 3rd respondent in issuing Form-7 Notice dated 13.06.2019, under the Land Encroachment Act, 1905, alleging that she is in unauthorized occupation of Government land and directing her to vacate within 48 hours.

This Court, vide order dated 30.07.2019, after taking note of the fact that the petitioner had already submitted explanation to the impugned notice, directed that no eviction shall be effected without passing orders under Section 6 of the Act.

Learned Government Pleader, on instructions, submits that, as on date, no orders were passed on account of the pendency of the writ petition.

In those circumstances, as the petitioner already submitted explanation, the respondents shall be at liberty to pass orders under Section 6 of the Act, after considering the explanation, and providing opportunity of hearing to the petitioner, as mandated under the Act. It is made clear that a detailed consideration of the explanation shall be made, as the order to be passed under Section 6 of the Act should be a speaking order, as per the procedure as held by this Court.

Subject to the above, the writ petition is disposed of making it clear that no eviction shall be made, without passing a speaking order under Section 6 of the Act, by duly considering the explanation of the petitioner. No costs. Miscellaneous petitions, if any pending, shall stand closed.

CHALLA KODANDA RAM, J

11th September, 2019

KSM

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