

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.18235 OF 2019

Date:23.08.2019

Between:

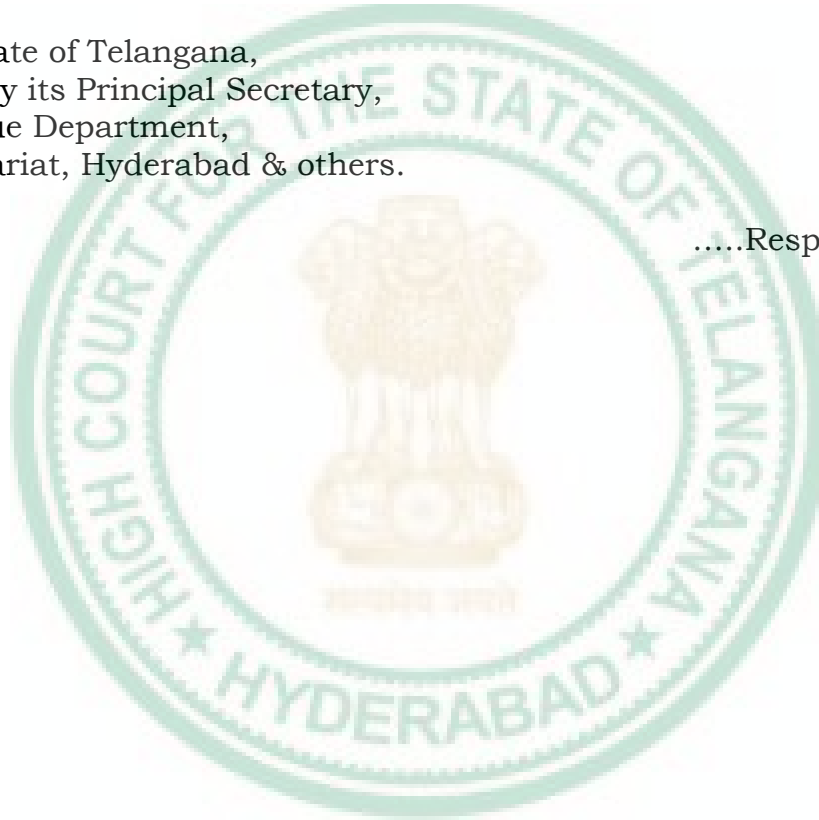
Mohammed Rashed Altaf
S/o.Late Mohammed Ahmed Amjad,
Aged about 40 yrs, Occu : Business,
R/o.H.No.22-8-77/1, Yousuf Bazar,
Salarjung Museum,
Darusshifa, Hyderabad & others.

.....Petitioners

And

The State of Telangana,
Rep., by its Principal Secretary,
Revenue Department,
Secretariat, Hyderabad & others.

.....Respondents



The Court made the following:

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO. 18235 OF 2019

ORDER:

Heard learned counsel for petitioners and learned Government Pleader for respondents.

2. Petitioners are challenging the proceedings of Tahsildar dated 13.08.2019 issued under Section 6 of the Telangana State Land Encroachment Act, 1905 (for short 'the Act'). By this order, the Tahsildar holds the petitioners as in unauthorized occupation of government land and that their explanation is not satisfactory and therefore, they were held to be the encroachers and directions were issued to the Village Revenue Officer, Bahadurpura Tahsil, to evict the encroachers from the scheduled land and submit compliance report.

3. The order is punitive in nature holding the petitioners as encroachers of the Government land and orders summary eviction from the subject land. Therefore, to make such an order reasons are to be assigned in support of its decision. It must discuss the objections filed by petitioners, assign reasons as to why such objections are not valid and then pass orders holding the persons as unauthorized occupants of government land, whereas, a reading of the order would show that there is no discussion on the objections filed and no reasons are assigned why such objections are not maintainable, except holding that explanation offered by the petitioners is not acceptable. Therefore, the order impugned is not sustainable and is accordingly, set aside.

4. The Writ Petition is allowed and the matter is remitted to the Tahsildar, Bahadurpura Tahsil, directing the Tahsildar to consider the objections filed by petitioners in response to the notice issued under Section 7 of the Act, objectively and pass appropriate orders, as warranted by law, by assigning due reasons in support of his decision. Pending miscellaneous petitions, if any, shall stand closed.

P.NAVEEN RAO,J

23rd August, 2019
Rds

