

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.1584 of 2020

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed seeking the following relief:

“questioning the action of respondent No.3 in issuing the proceedings Rc No. B/02/2020 dated 13.01.2020 show cause notice under Section 7 of Telangana State Land Encroachment Act 1905 asking explanation from the petitioner why should not remove from the agriculture land admeasuring an extent of Ac.1-00 situated in Survey No.41/1 at Bhimavaram Village, Pinapaka Mandal, Bhadadri Kothagudem District and without following due process of law and consequently set aside proceedings Rc No.B/02/2020 dated 13.01.2020 show cause notice under Section 7 of Telangana State Land Encroachment Act 1905.”

2. Learned counsel for the petitioner would submit that only three (3) days time was granted to the petitioner to submit explanation to the impugned show-cause notice. He further submits that on earlier occasion the petitioner filed W.P.No.18282 of 2013 and this Court vide order, dated 27.06.2013, in W.P.M.P.No.22315 of 2013 in W.P.No.18282 of 2013 granted interim direction to the Forest Authorities not to interfere with the petitioner's possession over the land to an extent of Ac.13.00 cents in Survey No.41/1 of Bhimavaram Village, Pinapaka Mandal, Khammam District, except in accordance with the due process of law.

3. On the other hand, learned Government Pleader for Forests would submit that the interim order granted was only to follow due process of law. He further submits that the impugned notice is

only a show-cause and the petitioner could have submitted explanation and as the petitioner has not submitted any explanation, the 3rd respondent issued proceedings, dated 21.01.2020 evicting the petitioner from the subject land and as such no interference is made.

4. The impugned notice is only a show-cause notice. But, however, only three (3) days time was granted to the petitioner to file explanation, which is insufficient. Pursuant to the impugned show-cause notice, the 3rd respondent issued proceedings in Rc.No.B/09/2020, dated 21.01.2020, for eviction of the petitioner from the subject land. Since the eviction proceedings, dated 21.01.2020, were issued without giving sufficient time to the petitioner to file explanation to the show-cause notice, dated 13.01.2020, proceedings, dated 21.01.2020, issued by the 3rd respondent are set aside. The petitioner is granted two (2) weeks time to give explanation to the show-cause notice, dated 13.01.2020 and on filing of such explanation, the 3rd respondent, Tahsildar, Pinapaka Mandal, Bhadadri Kothagudem District, is directed to consider the same and pass appropriate orders, after giving opportunity of hearing to the petitioner. Till passing of orders on the explanation, no coercive steps shall be taken against the petitioner.

5. With the above direction, the Writ Petition is disposed of. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

28th January, 2020
YVL

A.RAJASHEKER REDDY, J



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Date:28.01.2020

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