

consequential direction to the respondents not to interfere with petitioners' peaceful possession and enjoyment of the subject matter properties and to pass such other orders.

3. The Learned Counsel for the petitioners submits that though the petitioners are having valid Title and Rights in respect of the subject matter properties, the present impugned notice has been issued. She submits that though the 4th respondent's Communication is termed as "Notice", it is in the nature of an order, whereby, the petitioners are directed to demolish the structures raised in the subject matter properties and prior to that no notice, much less, a show cause-notice was issued to enable the petitioners to submit their explanation/objections and therefore, the action of the 4th respondent is violative of Principles of Natural Justice and that the petitioners having no efficacious alternative remedy approached this Court seeking appropriate relief.

4. The Learned Assistant Government Pleader for Revenue appearing for the respondents though sought to justify the issuance of impugned notice, this Court finds merit in the submission made by the Learned Counsel for the petitioners that though the impugned notice is titled as 'Notice', it is in the nature of an 'Order' and not preceded by any show-cause notice.

5. In the said circumstances, though the impugned 'notice' is liable to be set aside on that ground, this Court deems it appropriate to dispose of the Writ Petition with the following directions:-

- a) The Notice dated 03.07.2023 issued by the 4th respondent shall be treated as show-cause notice.
- b) The petitioners shall file their objections/explanation to the said Notice, within three (3) weeks.
- c) The 4th respondent on receipt of the objections/explanation, shall pass appropriate orders strictly in accordance with Law, after giving due opportunity of hearing to the petitioners, within a period of four (4) weeks from the date of receipt of the objections/explanation.
- d) Till passing of appropriate orders as indicated above, no coercive action in respect of the subject matter properties shall be resorted to.

6. With the above directions, the Writ Petition is disposed of. There shall be no order as to costs. As a sequel, all pending applications shall stand closed.

JUSTICE NINALA JAYASURYA

Date: 28.07.2023

Note: Issue CC in three (3) days

(B/o)

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THE HON'BLE SRI JUSTICE NINALA JAYASURYA

WRIT PETITION No.19007 of 2023

Date: 28.07.2023

Note: Issue CC in three (3) days

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